

THE AMERICAN JOURNAL OF
POLITICAL SCIENCE

THE AMERICAN JOURNAL OF
POLITICAL SCIENCE

THE AMERICAN JOURNAL OF
POLITICAL SCIENCE

So far as the
W. H. H. H. H.

THE AMERICAN JOURNAL OF
POLITICAL SCIENCE

THE AMERICAN JOURNAL OF
POLITICAL SCIENCE

THE AMERICAN JOURNAL OF
POLITICAL SCIENCE

SOCIAL WORK WITH FAMILIES

SOCIAL CASE TREATMENT

The Annals

VOLUME LXXVII WITH SUPPLEMENT

MAY, 1918

EDITOR: CLYDE L. KING

ASSISTANT EDITOR: E. M. PATTERSON

ASSOCIATE EDITOR: JOSEPH H. WILLITTS

EDITOR BOOK DEPT.: C. H. CRENNAN

EDITORIAL COUNCIL: THOMAS CONWAY, JR., A. R. HATTON, AMOS S. HERSHEY,

E. M. HOPKINS, S. S. HUEBNER, CARL KELSEY, J. P. LITCHENBERGER,

ROSWELL C. MCCREA, L. S. ROWE, HENRY SUZZALLO,

T. W. VAN METRE, F. D. WATSON.

Editor in Charge of this Volume:

FRANK D. WATSON, Ph.D.

*Associate Professor of Social Work,
Haverford College*



THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

36TH AND WOODLAND AVENUE

PHILADELPHIA

1918

Copyright, 1918, by
THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE
All rights reserved

EUROPEAN AGENTS

ENGLAND: P. S. King & Son, Ltd., 2 Great Smith Street, Westminster, London, S. W.
FRANCE: L. Lafosse, Rue Soufflot, 22, Paris.
GERMANY: Mayer & Müller, 2 Prinz Louis Ferdinandstrasse, Berlin, N. W.
ITALY: Giornale Degli Economisti, via Monte Savello, Palazzo Orsini, Rome.
SPAIN: E. Dossat, 9 Plaza de Santa Ana, Madrid.

CONTENTS

	Page
FOREWORD.....	vii
Frank D. Watson, Associate Professor of Social Work, Haverford College.	
<i>PART I—THE APPROACH TO SOCIAL CASE TREATMENT</i>	
THE OPPORTUNITIES OF SOCIAL CASE TREATMENT.....	1
Karl deSchweinitz, General Secretary, Philadelphia Society for Organizing Charity.	
CASE WORK AND SOCIAL REFORM.....	9
Mary Van Kleeck, Director of the Women's Division, Industrial Service Section, Ordnance Department.	
THE NORMAL FAMILY.....	13
Margaret F. Byington, Associate Secretary, American Association for Organizing Charity.	
<i>PART II—SOCIAL CASE WORK WITH THE PHYSICALLY OR MENTALLY HANDICAPPED</i>	
OFFSETTING THE HANDICAP OF BLINDNESS.....	28
Lucy Wright, Associate Director, Boston School of Social Work.	
THE CRIPPLE AND HIS PLACE IN THE COMMUNITY.....	36
Amy M. Hamburger, Formerly Assistant and Associate Director, Cleveland Cripple Survey.	
THE SICK.....	45
Edna G. Henry, Director, The Social Service Department of Indiana University.	
PRINCIPLES OF CASE WORK WITH THE FEEBLE-MINDED..	60
Catherine Brannick, M.D., Psychologist, Massachusetts Reformatory for Women.	
CASE WORK IN THE FIELD OF MENTAL HYGIENE.....	71
Elnora E. Thomson, Executive Secretary, Illinois Society for Mental Hygiene.	
<i>PART III—SOCIAL CASE WORK WITH THE SOCIALLY HANDICAPPED</i>	
THE FATHERLESS FAMILY.....	79
Helen Glenn Tyson, State Supervisor, Mother's Assistance Fund of Pennsylvania.	

DESERTION AND NON-SUPPORT IN FAMILY CASE WORK..	91
Joanna C. Colcord, Superintendent, New York Charity Organization Society.	
THE ILLEGITIMATE FAMILY.....	103
Amey Eaton Watson, Chairman, Philadelphia Conference on Parenthood.	
THE FOSTER CARE OF NEGLECTED AND DEPENDENT CHILDREN.....	117
J. Prentice Murphy, General Secretary, Boston Children's Aid Society.	
ESSENTIALS OF CASE TREATMENT WITH DELINQUENT CHILDREN.....	131
Henry W. Thurston, Member of Staff, The New York School of Philanthropy.	
THE HOMELESS.....	140
Stuart A. Rice, Formerly Superintendent, New York Municipal Lodging House.	
ALCOHOL AND SOCIAL CASE WORK.....	154
Mary P. Wheeler, Secretary, Clinton District, New York Charity Organization Society.	
THE IMMIGRANT FAMILY.....	160
Eva W. White, Director, the Extended Use of the Public Schools, Boston.	
THE SOLDIERS' AND SAILORS' FAMILIES.....	171
W. Frank Persons, Director General of Civilian Relief, the American Red Cross.	
BOOK DEPARTMENT.....	185
INDEX.....	195

CONTENTS

v

BOOK DEPARTMENT

THE BUSINESS MAN'S LIBRARY

BAILEY and CUMMINGS— <i>Statistics</i> (R. Riegel).....	186
KEMMERER— <i>Postal Savings</i> (F. Parker).....	185
LEFFINGWELL— <i>Scientific Office Management</i> (M. Keir).....	185
SECRIST— <i>An Introduction to Statistical Methods</i> (R. Riegel).....	186
WICKWARE (Ed.)— <i>The American Year Book, 1917</i>	188

ECONOMICS

BULLOCK— <i>Selected Articles on Single Tax</i> (C. L. King).....	188
HOBSON— <i>Democracy after the War</i> (E. M. Patterson).....	188
KELLOGG and TAYLOR— <i>The Food Problem</i> (H. R. M. Landis).....	189
NICHOLSON— <i>War Finance</i> (E. M. Patterson).....	190
PHELPS— <i>Selected Articles on the Income Tax</i> (C. L. King).....	188

POLITICAL SCIENCE

FREUND— <i>Standards of American Legislation</i> (F. G. Bates).....	190
KETTLEBOROUGH— <i>The State Constitutions</i> (C. H. Crennan).....	191
ROBINSON and WEST— <i>The Foreign Policy of Woodrow Wilson, 1913-1917</i> (L. P. Fox).....	191

SOCIOLOGY

CALHOUN— <i>A Social History of the American Family from Colonial Times to the Present, Vols. I and II</i> (J. P. Lichtenberger).....	193
CARTER— <i>The Control of the Drink Trade</i> (E. G. Lowe).....	194
STEINER— <i>The Japanese Invasion</i> (C. Kelsey).....	194

1870

1. The first part of the book is devoted to a general history of the country, from the earliest times to the present day. It is a very interesting and valuable work, and one which every student of history should read.

2. The second part of the book is devoted to a description of the country, and its various parts. It is a very interesting and valuable work, and one which every student of geography should read.

3. The third part of the book is devoted to a description of the people of the country, and their various customs and habits. It is a very interesting and valuable work, and one which every student of anthropology should read.

4. The fourth part of the book is devoted to a description of the government of the country, and its various branches. It is a very interesting and valuable work, and one which every student of political science should read.

5. The fifth part of the book is devoted to a description of the commerce of the country, and its various branches. It is a very interesting and valuable work, and one which every student of economics should read.

6. The sixth part of the book is devoted to a description of the industry of the country, and its various branches. It is a very interesting and valuable work, and one which every student of industrial science should read.

7. The seventh part of the book is devoted to a description of the agriculture of the country, and its various branches. It is a very interesting and valuable work, and one which every student of agricultural science should read.

8. The eighth part of the book is devoted to a description of the arts and crafts of the country, and its various branches. It is a very interesting and valuable work, and one which every student of art should read.

9. The ninth part of the book is devoted to a description of the literature of the country, and its various branches. It is a very interesting and valuable work, and one which every student of literature should read.

10. The tenth part of the book is devoted to a description of the science of the country, and its various branches. It is a very interesting and valuable work, and one which every student of science should read.

FOREWORD

The development of the principles and methods of social case work has been a slow and almost unconscious evolution. Only recently have social case workers become articulate in the technique of their field. They have been such "deadly doers" that little time has been left to analyze critically the technique of the day's work. Miss Richmond's book, "Social Diagnosis," is monumental not only because of its scope and scholarship but because it marks the beginning of that painstaking analysis of the methods and principles of social case work which must obtain generally before social case workers can call their chosen field a profession. Miss Richmond's book deals exclusively with social diagnosis, treatment being omitted except in the sense that all diagnosis is a part of treatment. A volume on Social Case Treatment is therefore opportune, especially in view of the urgent need at this time of an authoritative statement of the best thought and practice in the field of treatment, because of the many social problems incident to the war. While the war may have created no new type of social problems, it has increased them many fold and has given some entirely new settings. The inevitable dislocation of industrial life with its migrations of workers, the disruption of family life in many homes following the departure of the father or son for war service, the readjustment to industrial life of the soldier returning from the front, possibly crippled, or handicapped by blindness, all make a knowledge of the principles and methods of social case treatment of paramount importance.

It is hoped that the present volume in addition to being of interest to the general reader will prove not only a reference book to which social case workers generally may turn for new light on some of their oldest problems but that it will also serve as a storehouse of knowledge based on tested experience for all Home Service workers and all those other workers, professional and volunteer, who have been drafted in the ranks of social case workers because of the unprecedented demand for this type of work incident to the war. It should never be lost sight of in this connection that the problems of "civilian relief" differ in no essentials from the problems which social case workers throughout the country have been meeting in their

day's work before the war and that the methods of helping to solve them differ in no essential details from the methods followed in the past by the best of our case-working agencies. Human nature does not change over night nor during a war. The big problems of a widow's family are the same, whether the husband has lost his life in the military or industrial army. The readjustment of a man to industrial life is much the same, be he crippled by a bursting shell or by a bursting fly wheel in the factory. Questions of care for orphaned children are much the same be the cause of their orphanhood sickness and anxiety incident to war or death following occupational disease.

While certain articles like that by Miss Hamburger on "The Cripple and His Place in the Community," that by Miss Wright on "Off-Setting the Handicap of Blindness" and that by the Director-General of Civilian Relief on "Soldiers' and Sailors' Families" may seem to have more direct bearing on the problems of the Home Service worker, it is felt that all the articles throw light on problems with which Home Service workers will sooner or later have to deal. In fact the principles and methods of social case work are universal in their application. Not only is the corner-stone of all case work,—individualization of treatment,—revolutionizing the science of penology, but it is profoundly modifying our educational practice. Small classes, more frequent promotions, special classes for the backward and for the handicapped as well as the movement for industrial education, all reflect the growing recognition among educators of the principle of individualization. Even in our home life, we must use this principle if we are to understand the developing life of our own children. Come what may in the future evolution of our social life, this principle will stand as vital, and the time and thought and patience that are put into this delicate work will receive more and more recognition as the parent, the teacher and the social worker can show the results that come from its application.

A volume on social case treatment covers but a section, though an important one, of the whole field of social work. The unity of social work is such that the effectiveness of any program of social workers is materially affected by the quality of work done in any part of the field. All good social case work has a double value. It not only makes possible work with a given individual or family, helping them to solve their own problems, but with its first hand knowl-

edge of social and industrial conditions and of the action and reaction of environment and heredity, it affords a valuable fund of information for scientific research and thus lays the foundation for effective propaganda looking toward the creation of an intelligent public opinion which is important for all wise legislation and essential for all effective law enforcement. Social case work when well done is therefore not only constructive but preventive as well, both for the individual and for society.

The articles in this volume have been divided into three groups: those which afford an approach to social case treatment; those articles which discuss social case work with the physically or mentally handicapped; and those articles which deal with social case work with the socially handicapped. The last article in the first group, "The Normal Family," affords a perspective for all workers with family problems and so adds materially to the value and unity of the volume. While there is no fundamental difference in the technique of social case work as found in the various articles, they do exhibit some adaptations in case work technique that are of significance.

Certain points of view characterize all or almost all the articles. The many references to the war show what a big place this cataclysm is occupying in the thoughts of all the writers. Almost all the articles breathe an impatience with the point of view that a social case worker's job is done when the individual or family in question has been helped. There is a sense of humility pervading the articles, though each is written by one chosen for his or her wide experience in social case work in his or her particular field. The thought constantly recurs that workers in each field are still breaking new ground. All the articles reflect a great truth which is constantly borne in on all social case workers but often missed by those who believe that any one panacea can remedy all our social evils. This truth is that the causes of our various social problems are exceedingly numerous, varied and complex, subtle of analysis and difficult of appraisal and that the solutions of these problems are as many and varied as the causes themselves. This may prove disquieting to some. It nevertheless remains true that there are few if any short-cuts in the field of the social sciences and that a sympathetic understanding of the complexity of our social life is the first step in all real progress.

FRANK D. WATSON.

THE OPPORTUNITIES OF SOCIAL CASE TREATMENT

BY KARL DESCHWEINITZ,

General Secretary, Philadelphia Society for Organizing Charity.

The door of the examining room opened and two young men came into the recruiting office, each with a slip of paper in his hand. They looked about uncertainly for a moment; then catching sight of an "information" sign, walked over to the desk which was thus labeled. The soldier who sat behind it glanced at the memorandum that the first man handed him.

"You've a double hernia," he announced.

"Same with you," he added, turning to the second volunteer.

"You can't enter the army unless you have it fixed," he continued, addressing both of the young fellows who apparently desired further information.

"Here, I'll give you the name of a hospital where you can have an operation for nothing. If you weren't going into the army it would cost you \$120."

He scribbled the address upon the back of the memorandum.

"Even if I wasn't going into the army I'd have the operation. I wouldn't go around with a thing like that for anything. Why you're liable to wake up some morning and find yourself dead."

The soldier paused, but not long enough for a reply.

"There's nothing to the operation. I've assisted at hundreds of them in the military hospital. It doesn't amount to much more than taking an anesthetic. I've seen men up and about in eight days. It won't cost you a cent and if you want to get into the army it's the thing to do."

The first young man looked at the second. "Come on," he said and picked up the slip with the address of the hospital upon it. Together the two volunteers left the office.

Admit that the soldier urged a course of action without having any fundamental knowledge of the needs of those whom he advised. Admit that his method of doing this was crude. He nevertheless was following a procedure that should be most suggestive for those who are interested in the development of social case treatment.

The men came to him in a predicament. That is precisely what brings people to the case worker, whether the predicament be called trouble, distress, a situation or misfortune; whether it be a prison record, truancy, poverty or sickness; whether the case worker be a representative of the court, the children's society, the society for organizing charity, or the hospital social service department.

What the soldier did and what the case worker must do are basically the same. The soldier, first of all, told the men just what their predicament involved;—they could not enter the army because they were suffering from hernia. Second, he pointed a way out of the difficulty—the hospital. Third, he suggested various motives which might help the men to take that way. He appealed to their sense of economy, or rather to that fundamental desire to get something for nothing which seems to be part of everybody—"If you weren't going into the army (the operation) would cost you \$120." He aroused their sense of fear on the one hand—they might wake some morning and find themselves dead—and he allayed it on the other—the operation "doesn't amount to much more than taking an anesthetic." Study of almost any record of successful case treatment will show a procedure similar in its rudiments to that which the soldier observed.

Consider, for example, the predicament of the family of Herbert Jones. They were without food. Nearly all of their furniture had been sold. Mrs. Jones and one of the children were sick. Mr. Jones was out of work. He had been arrogant toward his fellow workmen, so arrogant that the union to which he had belonged was unwilling to help him. He was drinking heavily. He abused his wife and had been brought at least once before the Domestic Relations Court. The case worker discovered that Mr. Jones was an extremely sensitive man who craved friendship and affection. As often happens with such men his arrogance was the unfortunate result of fear of injury to his feelings and of his unconscious efforts to protect himself. He had taken to drink because he thought that in that way he could become a good fellow among the men of the neighborhood. He abused his wife partly because of remorse for his intemperance and partly because he was jealous of what he thought was her too great devotion to two children whom she had had by a former marriage.

The first step in treatment was to show the man and the woman

what was involved in their predicament. The case worker interpreted the husband to the wife, helping her to see that the man's abuse and his jealousy were really caused by his affection for her. Next came the suggestion that, were the source of irritation to be removed, the family life could become happy once more. The way out lay in an arrangement to have the stepchildren live with their grandparents, and the woman's desire for a happy association with her husband provided the motive for doing this.

With the man, treatment involved a frank facing of the facts of his situation. His baseless jealousy and the unpleasant effect which his arrogance had upon those who knew him were made plain to him. His predicament was himself. The remedy lay in a struggle against himself. The social worker offered him assistance in this struggle. His home would be reestablished. His wife would be helped back to health. The union official's would be placated so that he could once more obtain work. The motive suggested to the man was the possibility of achieving the kind of family life and companionship among his fellows for which he longed. Accompanying this was the encouragement and the sense of assurance afforded by the interest of the case worker in his welfare.

The method of treatment here was precisely the method of the soldier in dealing with the two volunteers. First, the case worker showed the family what was involved in their predicament, second, she pointed to the way out, third, she supplied a motive.

Often the steps in this method follow each other so closely as to render analysis almost impossible. Thus the realization of the predicament may furnish the motive. Again, the man or the woman may have decided upon the remedy but may need motivation; or realizing their predicament they may need both a way out and a motive to inspire them to take that way.

A teamster who liked horses too much to want to learn how to operate a motor-truck, found himself reduced to such odd jobs of driving as he could find. Gradually he became accustomed to irregular work until unemployment became a habit. He realized what was wrong but knew no remedy, and even if he had known one he lacked initiative enough to lift himself out of his predicament. The solution lay in a job on a stock breeding farm and the motive which led him to take this solution was the adventure of going to a new and a rural environment.

Although it may not always be necessary to show a man either directly or by implication the elements of his predicament it is essential, of course, for the case worker to understand them. This means investigation, and after investigation diagnosis. The method of investigation is well defined. The importance of the first interview, the value of seeing relatives, former employers, and the other factors in this phase of case work are admitted. Social workers, however, must do more than follow these steps. They must take them without for a moment forgetting that the end of investigation is diagnosis and that diagnosis is the beginning of treatment. Treatment depends for its success upon an investigation conducted with this in mind.

Diagnosis, moreover, is made primarily, it should be remembered, for the benefit of the person under treatment, not for the information of the case worker. Here, again, inspiration and suggestion can be obtained from study of the methods of the medical profession. The tendency among physicians, evidenced by the increasing stress which is being laid upon personal hygiene, is to make the patient understand his trouble in order that he may adjust his life so as to overcome his disease—of course, with the help of what therapeutic or surgical assistance may be necessary. This also must be the method of social case treatment.

The way out or the ways out which are opened to the family or the individual after they have been shown the implications of their predicament are really opportunities to develop the kind of personal equipment and environment that will enable them to reestablish themselves. The job in the country was not the solution for the teamster who had acquired the habit of unemployment. It was merely the offering of a new environment in which he could reach the solution. The solution itself lay in the development of character, of the habit of industry, of a greater measure of initiative. The removal of the stepchildren to their grandparents and the obtaining of a job for the man who had been abusing his wife was not the solution. He had had many different jobs before and conceivably the stepchildren might have left his home without producing the desired result. The ultimate solution lay in his victory over himself. The job and the change in domestic arrangements served merely to provide him a more favorable environment.

The elements involved in securing such an environment and in

making possible the development of a better personal equipment are as well defined as are the processes of investigation. They are health, education, mental hygiene, home economics, work, play, spiritual influence. These things are the means which the case worker uses in administering social treatment. They must not be considered as ends in themselves but only as influences in helping the family and the individual to readjust their lives.

Case work agencies which in their annual reports list the number of people for whom they have obtained jobs or hospital care tell only a small part of the story. Indeed, better case work is implied when a man secures employment for himself than when the social worker finds the job. The purpose that the job or the other element in treatment is to serve is the important consideration. Thus, a family is persuaded to move to another neighborhood in order that the oldest boy may be better able to resist the temptation to join a street gang. The boy is invited to become a member of a settlement club so that he may be provided with a legitimate outlet to his desires. His mother is induced to take more care in the keeping of the house that he may find the home more interesting. The school teacher is asked to find what studies appeal most to the boy in order that opportunity for development in a congenial direction may be given to him. These efforts are all designed to enable the boy to grow to be a useful citizen. They are not ends in themselves, desirable though they may be.

Again, the administering of social case treatment does not mean that the case worker must fulfill the function of nurse, teacher, clergyman, or housewife. To open the opportunity of health to a man one need not be a physician or do the work of a physician. Recognizing the importance of health to the well-being of the individual, the case worker's task is to help the family to realize this also, and then if necessary to suggest the place where the essentials of health may be obtained. Similarly, the case worker by introducing the clergyman or the friendly visitor endeavors to provide the spiritual and personal influence which her diagnosis shows that the man, or the woman or the family needs. It is not necessary for the case worker to be able to teach a housewife how to cook or to scrub. Case workers have scrubbed floors and cooked meals for families under treatment, but when a case worker has done this it has not been for the purpose of teaching the family how to do these

things but for the influence which such an action might have upon her relationships with the household.

This must not be understood to be an underestimating of the importance of health, education, mental hygiene, work, play, home economics and spiritual influence as ends in themselves. To obtain them is so important that more and more attention must be focused upon them if social case treatment is to realize its opportunities. Indeed, it is most desirable that effort be made to change the method of recording case work in order that the need for these things may be emphasized even more clearly. Porter R. Lee has criticized the case record as being too much a diary of how the case worker has spent her time and too little a statement of facts upon which treatment is being based. It might well be rearranged so as to segregate the various steps that are necessary to develop the personal equipment and the environment of the family under care. Thus the case worker in looking over the reports of her work would be able to see at a glance whether or not the need for work, play, health, and the like had been supplied.

The opportunities which may make it possible for the individual to readjust his life having been pointed out to him there remains the last element in social treatment—motivation. Often the strongest motive operating upon a man is the misery of his own predicament. This motive may be the knowledge that someone cares, that there is someone interested in seeing him make good. There is not one of the myriad impulses which influence men to action that the social worker is not called upon to use. The supreme art of treatment is knowing what motive to use in a particular situation. Perhaps the best preparation for a proper choice at such a time lies in a study of the daily experiences that mark the course of case work. What is it, for example, that caused a family to become self-supporting after years of dependence on the gifts of neighbors? Why is it that a man who has been a drunkard since his youth suddenly decides not to touch alcohol again and holds to his decision? What has caused a woman who has neglected housekeeping to take a new interest in the care of her home? What induced the truant to return to school, the deserter to support his wife, the consumptive to go to the sanatorium which he had been resolved to see no more? Study in other fields should also prove suggestive. Whatever vocations have to do with the art of dealing with people can make a con-

tribution to case work. The teacher, the neurologist, the student of the psychology of behavior, the salesman will all be of help.

Perhaps of these the art of the salesman seems to be the most remote from that of the social worker. Yet the underlying philosophy of his method is the same as that of the person who is trying to help families. The salesman's effort is to make the prospective customer conscious of his need of the article that is to be sold. Having created a demand, or if one exists already, having called attention to it, the salesman shows that his goods will fill that demand. Then he clinches his order by giving reasons why the customer should buy, and buy immediately. Thus he uses the predicament, sometimes artificially constructed, the way out and motivation. The psychology of salesmanship has indeed many suggestions for the case worker. One suggestion, however, it must not have. That is the conception of compulsion. The salesman is obliged to bespeak his goods with all the energy at his command. He wants the customer to take his, *i.e.*, the salesman's way out. The case worker, on the contrary, does the best work when, having faced a man with the facts of his situation, she urges him to plan his own way out. Only when the man is unable to suggest a plan of his own does the case worker propose a remedy. When possible, she suggests several remedies so that in making a decision the man has a choice.

Moreover, the days when the case worker forced her opinion upon a family are passing, if indeed they are not already past. Is not the use of discipline in the withholding of relief often a confession of the inability of the worker to suggest motives that will encourage a man to act for himself? The best social case worker is she who has the greatest faith in people and in their right to make their own decisions. The more nearly motivation becomes not a forcing of the will of the case worker but an inspiration and encouragement by her to the man after his decision has been made, the more it approaches the true ideal of social case treatment.

The art of social case treatment, then, is threefold. It starts with making clear to the family or the individual the nature of the predicament and what that predicament involves. It continues by showing a way or ways out of the trouble and it concludes by appealing to the motives which will help the person to decide to master his predicament and to carry out that decision.

The opportunities for social case treatment lie in the recognition

that such a thing as social case treatment exists, and that it is for the purpose of social case treatment that investigation and diagnosis are made. The development of social case treatment depends largely upon the interest with which case workers analyze their own work and profit by experience in allied fields. They may, indeed, learn much from such examples as that set by the soldier in the recruiting office. His success, crude and unpremeditated though it was, is suggestive for the future of social case treatment.

CASE WORK AND SOCIAL REFORM

BY MARY VAN KLEECK,

Director of the Women's Division, Industrial Service Section,
Ordnance Department.

The case worker is authoritatively defined as one who plans different things for different people. The social reformer, considered as one concerned with movements rather than individuals, aims to secure an identical benefit for an entire group. The case worker fixes attention on the individual. The social reformer devotes his energies to the conditions of the community. In interests, immediate purpose, method, and even in spirit and philosophy, the two would seem to be far apart. Far apart they sometimes seem to each other. The social reformer accuses the case worker of blindness in attending exclusively to the immediate task ahead,—patching up his neighbor's affairs without changing the conditions which have caused his misfortunes. To the case worker, on the other hand, the social reformer seems sometimes to be a dreamer, thinking about a changed order and neglecting the people who now suffer from it, and who must be reckoned with in an effort to change it.

To the outsider these distinctions would probably seem to be a mere quibble, lacking in significance, or at best merely a portrayal of contrasts between two types who must together make up a world. To the social worker, however, it frequently becomes a practical question how most wisely to proportion the emphasis given to the mass movement and to the individual in trouble. In social work as a whole, if we may view as a whole so diverse and complicated a set of activities, a fruitful relationship between the two types of effort is a practical necessity. The case worker must be blind who can see no possibility of social and organized effort to change the conditions surrounding one individual after another whom he aims to help. The social reformer who does not draw his conclusions from the actual experience of individuals is in danger of being an unsafe guide in social action.

Granted, however, the necessity for a two-fold view of the individual and the mass if progress is to be made, practical questions

arise as to how this relationship can be achieved. The word "co-operation" is not enough. Its terms need analysis in connection with the concrete tasks which the social case worker, or a reformer of conditions, has set for himself. Two of these large tasks may serve as illustrations,—the public health movement and industrial reform. Certainly sickness and a low standard of living would be regarded as giving rise to a large proportion of the problems of the social worker.

Health, or the lack of it, has made necessary the care of the sick as individuals, institutions caring for groups, official departments to protect the community, educational campaigns to train individuals in the care of their own health, and bodies of laws establishing safeguards, or controlling conditions, such as quarantine regulations or sanitary codes. The social and economic effects of sickness have resulted in plans for health insurance, which marks a new phase of effort in the health movement. The health movement in its social aspects is a part of social work, broadly conceived. In its medical aspects it affords an illuminating parallel. Medical research is to the practicing physician what social research should be to the case worker. Individual experience should be both a source of information and a goal of effort. Facts gathered in daily practice may be the basis of laws which in turn are a guide in daily practice. The case worker is both an observer and a practitioner. The social reformer may be a research student studying the laws of social relationships or a propagandist,—a practitioner for communities instead of for individuals.

The health movement, like other social effort, has three main branches: research for the discovery of knowledge; education, including the training of individuals and the dissemination of knowledge; and reform, or the change in conditions producing disease. It is significant that neither the case worker nor the social reformer would wish to be denied a share in any of these three branches of effort. Each of them, too, has its starting point in individual experience, while the individual is the final test of achievement of the ends sought.

The effort to prevent tuberculosis is a good illustration. Medical research showed this to be a disease curable and preventable largely through education of individuals and through control of their environment. Thus its cure and prevention are essentially

tasks for the joint efforts of case workers and social reformers. Certainly organizations concerned with individuals and families have had an important share in the development of general educational work, and in the establishment of sanatoriums. On the other hand, social reform in relation to the prevention of tuberculosis, which we think of as including both public education and efforts to improve working and living conditions, has established a certain foundation for case workers.

In the prevention of tuberculosis, however, as in all other public health work, neither case workers nor social reformers have finished their tasks and it is the unfinished task which challenges them to more united effort. Tuberculosis is essentially a disease of poverty, fostered by under-nourishment, by congested quarters for living, by long hours of work, by dust in workshops, by lack of fresh air, good food, and exercise. The accumulated experience of all the case workers, if it were really to be made to appeal as it should to the public imagination, would be an irresistible force in changing for the better the present conditions of life and work. One reason why the task continues to be unfinished is that the individual experience is not made to count as it should in social reform.

The same lack is illustrated in industrial reform, and the many obstacles in the way of its accomplishment. It is a temporary or permanent inability to maintain a normal standard which constitutes the characteristic problem of the case worker. Thousands of case workers in many parts of the country are trying to see the way out in this problem as it recurs day after day. It is met in good case work by the establishment of new relationships for the individual, or the vitalizing of old ones, and by a general sharing of burdens, as well as by a new stimulus to the individual. The apportionment of burdens, however, is not always clearly appreciated. The time is not long past when charitable societies and relatives bore the whole economic burden of industrial accidents. Now in many states, in Workmen's Compensation Laws, it has been recognized that industry must meet the consequences of its own hazards. Health insurance is advocated for the same reason,—to bring about a more just apportionment of burdens.

The significant fact about health insurance in relation to this discussion of case work is that case workers have contributed so

little to the movement, either in the way of warning or reinforcement. Full realization of what sickness means as a cause of poverty should have led long ago to a far more effective organization of the community for preventing sickness and for dealing with its results. On the other hand, the case worker, with a knowledge of all the complicated factors which are involved with sickness as a cause of poverty, could check too great optimism as to the probable results of any one plan of reform. The case worker can contribute information to social reform, and to this end careful records and frequent and regular interpretation of their meaning are obviously necessary. But case workers can contribute something much more important and somewhat rare,—a constructive imagination. Just because they deal so constantly with real conditions, they may be in danger of growing accustomed to them and forgetting any possibility of change. Case workers cannot be content with accepting the established standards of the community, if they are to contribute their share of planning and acting to bring about desirable changes. But the social reformer in contrast must be watchful of a tendency to forget that a plan is not enough, and that it must bear some relation to established standards and the accustomed habits of mind in the community.

The war, with the violent changes which it produces in national life, demands the constructive imagination in social work. The goals of effort in the past seem to be swept away. Those whose work has been the precise carrying forward of a program are aghast at the apparent destruction of the things for which they have struggled. Change in purpose which becomes inevitable seems to be a compromise in principle. Rehabilitation of family life is now opposed by the nation itself, whose demands show a claim greater than family life. Social reform seems to be a mockery when all effort for individual welfare must now be subordinated to the national good. Yet a new conception of the national good and a new organization of forces for achieving it, may be the great opportunity for a new conception of individual welfare,—the immediate interest of the case worker, and community welfare,—the goal of the social reformer.

THE NORMAL FAMILY

BY MARGARET F. BYINGTON,

Associate Secretary, American Association for Organizing Charity.

There is in history nothing more dramatic than the persistence for uncounted generations, through changes in industrial life, through experiments and failures in political organization, through the growth, decay and rebirth of religions, of the essential family unit—

"Oh 'im and 'er and it,
Our blessed one in three."

as Kipling phrases it. There has been variation enough indeed in the relation between the man and the woman, a relation which has sometimes been considered purely temporary, sometimes eternal. Underneath all these changes, however, we find the persistence of the essential bond, the physical dependence of the child on the fostering care of the mother and the reliance of both on the greater energy and courage and physical freedom of the father for protection and for sustenance.

The family as a unit has indeed functioned in many ways during these centuries; it has been the religious unit, especially in ancestor worship, the father serving as priest; it has been the property holding unit to which the right of inheritance was limited; it has been the industrial unit, the household forming a coöperative enterprise; it has been the educational unit, the custodian of the earlier experiences of the race; it has provided for the physical nurture of the child. It has varied in form and in legal status, moulded by changing industrial, social, and religious life. It has likewise been a factor of great value in securing stability of progress, on the one hand by preserving the traditions and experiences of the past, and on the other, by securing within the shelter of the home the chance for greater variability. If we are to understand the modern family we must see it in its relation to this historical development. By noting which characteristics of family life have persisted through these changes, which have weakened and which grown stronger, we get a truer idea of what does, indeed, constitute

a "normal family." In other words we shall not identify the "normal family" with the ideal family or with any one of the varied types of family life now existing in our own country. We shall attempt rather to express it in terms of certain fundamental personal relationships and habits of life and thought, which have characterized family life throughout its history.

PRIMITIVE FAMILY LIFE

Students of the family have disagreed widely as to what was probably its earliest form. Their theories have been based on historical documents which throw light on early family history or on reports of conditions among present day savage tribes. But even these sources are difficult of interpretation. We do not, for instance, know whether modern savage tribes are not degenerate rather than primitive groups; whether in fact, as Mrs. Bosanquet suggests, they did not fail to advance in civilization just because they had not developed a sound form of family life.

There seems to be, however, a growing tendency to agree that the primitive family, in all probability, resembled somewhat the unit which exists among those apes which are closest to man in type. The meat eating animals find little advantage in group activity since hunting, to be successful, must be carried on by individuals. So we find among certain apes, a very simple family unit: the female caring for the child during its period of weakness and helping to provide food by seeking roots, nuts, etc., near the home; the male, possessing freedom and greater energy and mobility, providing the main food supply by hunting, and serving as protector to the female and her young. This probably indicates the status of the primitive family, a temporary union, but one which, while it lasted, presented already those elements which have always constituted the basis of family life: the protection and care of the weak, the provision for physical maintenance, the joint sense of responsibility for the children. In other words, even this elementary family life had a psychological as well as an economic basis.

The great significance in the development of the human race of even this simple family unit has been stressed by Prof. John Fiske. The willingness of father and mother to sacrifice personal freedom for the care of their offspring made possible the prolongation of the period of infancy. While a chick can begin scratching for its own

food a few hours after it emerges from the egg, the human child cannot even feed itself for many months, and is now forbidden, by law, to try to earn its living for fourteen or sixteen years. This slow process of growth makes possible the variation on which progress depends; it gives time for education, so that each generation may begin its active life equipped with the knowledge won by its forbears, instead of beginning over again where they began. Out of the prolongation of infancy in the shelter of family life, civilization has been made possible.

The way in which this simple, un-self-conscious group developed into our modern family is too long and complex a story even to outline in such a paper. I would emphasize the fact, however, that for those who are doing case work, the history of the family, and its changing status possess genuine significance.

We may think of this development from two angles. Viewed externally it is a social and legal institution, comparable in importance to our governmental institutions, having prescribed forms and functions. Viewed from the inside, it forms the intimate background of the life of every individual, the most vital force in his personal development.

THE FAMILY AS AN INSTITUTION

First let us consider a few of the factors which have influenced the development of the family as an institution. As far back as history records, and in practically all of the present savage tribes, marriage is considered in some degree a matter of social concern. The fixing of the degree of kinship within which marriage may take place, the formal rites which accompany it, the limitation of the rights of divorce, are evidence that it was never considered a purely personal affair. Custom, religion, and law have all been invoked as means for securing a stable family life against the explosive force of personalities which refuse to be held by any tie.

The increasing legal control of marriage probably followed the development of private property on a large scale, since this made it necessary to arrange for the control of the wife's property and to determine the legal status of the heirs. Property rights have had more to do than moral standards with the attitude of the law toward the illegitimate child. Nevertheless, these legal sanctions, even though based on no higher motive, did stabilize family life during a

period when it might have been engulfed by the tide of lax moral standards.

Another stabilizing force has been the attitude of religious teaching toward the family, every great religion having sanctioned some form of the marriage relation. The family has a peculiar significance in those nations whose religion is that of ancestor worship since on the rites performed by his descendants depend the man's happiness in his future life, not for one generation only, but for an indefinite future. In the development of the Christian church, marriage came to be looked upon as one of the sacraments and an indissoluble bond. This has, of course, been one of the strongest elements making for stability in the modern family. Since the separation of church and state, the civil law has regulated marriage though the religious service still serves to strengthen the sense of the sacredness of the marriage tie. Families, moreover, tend to maintain a joint religious life and in "mixed marriages" the difference in religious faith is a potent source of instability.

The present variations in divorce laws in our different states simply indicate the general questioning state of the public mind as to how permanent this bond should be. It is, nevertheless, clearly established that the family is so important a social institution that the law must at least control the conditions under which it may be created or dissolved. The reality of family life, is, of course, based on something far deeper than legal regulation. As Dr. Goodsell phrases it, "Marriage grew out of the family, not the family out of marriage." The law will sanction but cannot create a genuine family life. Marriage has always, as now, nevertheless, been considered a matter not solely of personal, but also of public concern and control.

THE RELATION OF PARENTS AND CHILDREN

Not only the relation of husband and wife, but also that of parents and children has been influenced by legal and social standards. From the beginning, the family had its bond in the weakness of the child and in the simple feelings of affection and responsibility which that evoked. Naturally, however, this affection, which was instinctive not reasoned, died as the weakness which called it out was followed by strength and independence. Observers seem to agree that some sort of concern for the welfare of the child exists

among savages while the children are little, though, with their quick passions, they are often unnecessarily cruel to them.

Later, the relation of parents and children became a matter of legal definition. In patriarchal times and in the Roman and Greek families, we find that the child was really considered a chattel subject to his father's will; that no individual had any standing before the law except as part of a family group; that absolute power for life or death often rested with the father who was also priest and judge.

This tradition has, of course, given way until modern law restricts in many ways the rights of parents over their children, yet also calls for increased responsibility on the part of the parents for giving their children proper training. An enlightened court, for example, will take a child away from his parents' control if they persistently fail to provide a public school education or badly needed medical care. The training of the child is now considered a matter of joint concern on the part of state and parents, the former requiring the latter to live up to the major responsibilities for its welfare. Law, which formerly buttressed the family as a property holding unit, is now concerned rather with its educational and cultural value.

This change in the law's attitude toward the responsibilities of parents for their children is in part the crystallization of a new ideal of parenthood.

In looking back on primitive life, we perceive a great reversal in the relation of parents to their children. Aside from the feeling of personal affection children were then consciously desired mainly for their service to their parents; now parents center their efforts and ideals on the future of their children. In the early family children were desired because, economically, they were an asset, either in the household and industrial activities of the family, or later, as wage-earners; religiously because there would be no happy life after death unless there were children to carry on the ancestor worship.

Now, a man struggles to earn enough to give his children opportunities for education and for development which he missed. We are even attempting to restrict marriage to those who are capable of passing on a sound physique. The modern family is more and more centering its emphasis on the future of the race. It is, however, well for us as case workers, to realize that this is a recent change in the angle of vision and that especially on the economic side the old attitude still persists.

THE NURTURE OF CHILD LIFE

A social worker who is a grandmother said to me the other day, "I resent it so when people speak of children as a burden, they are the great joy of life. I often think that the very poorest of our families have in them the elements of the greatest joys,—the love of man and woman and the presence of little children,—if they only knew how to take advantage of them."

Out of this interest and this joy in caring for children in their weakness and watching that weakness grow to strength, family life came into being, and has persisted. There is hardly a home so degraded that the spark is not there. Yet the question is not infrequently raised as to whether the family is the best place to train a child or whether substitutes more intelligent cannot be found. Certainly, experiments with the care of children indicate that in infancy at least, children need mothers of their own. Institutions, however scientific, apparently cannot give the infant just the kind of personal attention that it needs, as their high mortality rate indicates. "Mothering" is of value to the delicate little mechanism.

As a child grows older, it seems physically less dependent on family life, as witness the fine development of many boys who go to a boys' school in winter and boys' camp in summer. It may be doubted, however, whether such good physical care can be given anywhere nearly as cheaply by such institutions as in a good home.

But it is for the other factors of home life, its educational value in a broad sense, that no substitute has been found. We shall indicate some of the ways in which the home provides essential training, the practical education, the growth in self-control and self-sacrifice, the sense of values. Because there are two parents, the family gives the valuable influence on both boy and girl of both man and woman. It provides the normal contact between one generation and the next.

ECONOMIC INDEPENDENCE

In the first place economic coöperation within the family has provided some of its greatest educational opportunities ever since that first primitive group that persisted because of the need of mother and child for food. During the patriarchal period the family reached perhaps its maximum of economic self-sufficiency: the head of the family surrounded by his wives and children and servants,

together tending flocks, weaving and dyeing the wool, raising their simple agricultural products. Even when agriculture was developed and people settled upon the land, so that this family group had to break up into smaller units, each unit tended still to live on the products of its own toil. With the development of industrial life economic continuity in family life remained, since the sons tended to take up the father's occupation. In the medieval guilds, for instance, entrance into a particular skilled trade was usually open only to sons of the guild members.

Following the "industrial revolution," however, changes in family life have come with an upsetting suddenness. The old tasks of our mothers have dropped from our hands and we are not always wise enough to find new ones to take their place. The father often has no trade, no sense of being anything but a cog in the industrial machine. The son does not tend to follow his father's footsteps; the son of the farmer becomes the city magnate and the son of the immigrant day laborer enters a profession. The family is now a genuine industrial unit only in agricultural districts where women and children have a part in production as well as in consumption. The sons, too, often stay on the farm until they are ready to marry, and even continue to work with their father after that, and to inherit the farm on his death. This state of affairs is, however, by no means universal, and the abandoned farms of New England now taken over by Italians and Slavs show the extent to which the opportunities which industrial development offers have destroyed this family tradition.

The normal family is still, however, the economic unit, in that it has to spend only that which it earns. The pay envelope takes the place of the harvest. Family coöperation is expressed now in terms of joint spending rather than of joint production, the family pooling its income and meeting therefrom the varied needs of its members for food and shelter, clothing, recreation, etc. That this economic self-sufficiency has persisted throughout the history of the family indicates that it bears an essential and continuing part in the development of family life.

It is, in the first place, essential because of the inevitable weakness of childhood and the burdens which it entails. An occasional woman, who has a profession, like writing, that can be done on part time, can carry it on all through her married life, but the rank and

file of business and working women must give up wage-earning during the years when they are bearing and rearing children. The old condition which was the initial factor in creating the family, still holds good, namely, the dependence of the mother and the little children on the freedom and strength of the man. Nor to those of us who believe in family life, is this an unfortunate relationship. It is a sharing of responsibility and of work, which is the foundation for mutual respect and devotion. If our minds were set clearly enough on the significance of childhood there would be less stressing of the inferior condition of the woman, since hers is really the more important task, and the most valuable contribution which the man makes is to the training of the children, the wage being from this point of view only a means to an end, the preservation of family life. (I am not raising here the question of the stimulating effect on women of business and professional opportunity or of the wisdom of remunerative work before and after the period when their children need them.)

To return to the economic problem as such. The normal family will depend on its own material resources, pooling the major part of the earnings of the various members of the family and providing from this fund the necessities for the life of the family. Willingness to make mutual sacrifices and the power of adjustment to others' needs grow out of this necessity for sharing in the income and subordinating one's own desires to those of the family as a whole; the oldest son who works at a thankless task that his younger brothers may go to college; the mother whose chief enthusiasm in spending is to see that her daughter has pretty things; the child who is willing to carry his lunch in a box to save for records for the family victrola are learning self-discipline. A child who goes out into the world with this standard and habit of mind is not going to become the citizen who goes into politics for what he can get out of it. The economic problem of the family thus provides one of its really educational opportunities. It is almost a truism that the absence of this realization of the relation between income and expenditure and the lack of this willingness to subordinate personal good to the needs of the group is one of the great weaknesses in the development of the institution child.

There is certainly a steadying effect on expenditure when the family's income is the result of the family's labor. What we have

earned we treasure and, counting its value by the effort it cost, we want to get a corresponding value when we spend it. Income not produced by the work of individual members of the family never has this significance. In this as in other ways the family is the school for solving the practical problems of living.

EDUCATION IN THE HOME

The family has indeed always been the most important factor in the education of the child.

In primitive times, the family circle was also the school. The Indian boy was taught by his father the wood lore and the skill in hunting and fighting which was the accumulated wisdom of many generations; the little girl was given odd bits of leather and a porcupine quill with which to imitate her mother as she made moccasins. Through this practical education, the parents passed on the knowledge and the skill of the race. As tribal life developed the elders instructed the boys in their special cult. Little by little, as the amount of human knowledge increased, it became necessary to have wise men to pass that knowledge on. Yet not until the time of Christ were there among the Jews, for example, any schools outside the home, the family and the church being the only educational institutions.

Indeed, it is only recently that the western nations have provided free schooling for all children. Even in parts of our own country school attendance is not compulsory so that large numbers of children still find in the home their only opportunity for education. Knowledge in any theoretical sense becomes then the property of the few, but in the home is offered practical training, father passing on to son the knowledge of his craft, and mother to daughter the secrets of household arts.

There is perhaps no other feature in which modern life in America is so changing this family tradition. The Montessori school takes a child at four; the out-door school keeps him for play time as well as for school time; the domestic science department trains the girl in the home duties for which apartment life and the increasing number of domestic servants give her no opportunity at home. In our own earlier rural life there was a simple and complete division of task between school and home; home training in all the practical aspects of life through work on the farm and in the home, and the

"three Rs" at school. A college president is quoted as saying that he went to school for three months and had nine months left for his education. Now our schools are trying to combine the two in an educational system which has tremendous opportunities, but which nevertheless, needs to be adjusted to home life. The "visiting teacher" has shown the importance of individualizing the home background of the children if education is to be made really effective.

In spite of the increase in the scope of the school curriculum, the home still provides training in many of the most important aspects of our lives. I read with interest two contrasting descriptions of boy life in rural communities: "Pelle, the Conqueror," the story of the neglect, the coarse surroundings, the hard work that fell to the lot of a boy brought up on a little island off the coast of Denmark, and the "Son of the Middle Border," Hamlin Garland's story of his boyhood in the middle west. They vividly portray the difference in the content of life resulting when the home, as in the latter case, provided a background of love of music and of books, of intelligent interest in the things of the day.

Formal education can, it is true, overcome the lack of such a background, but for most children the whole future trend of thought is given its direction by the habits, the interests, the ideals, formed in these impressionable years. The home is still a most important, if not any longer the chief educational institution. Since the child learns in this school by imitation rather than by formal instruction, it is doubly essential that the home life be one which he may wisely imitate.

THE VALUE OF TWO PARENTS

The part which family life has played in the development of personality, in the more subtle relationships of individuals, is difficult to trace, as it lies so far beneath the surface. The early instinctive feeling of tenderness for the weak is at the basis of the altruism which now plays so large a part in our community life. In the days when every one outside the family or the clan was an enemy, concern for the welfare of others could be developed only within this narrow family circle. Later, as these emotions grew in strength and as men were brought into closer contact with those outside this circle, this concern could be carried over into, and modify, the new relationship. This affects both parents and children.

On the one hand, as Professor Tufts points out, the responsibility for training children has had a definite effect on the development of the moral code. Individual moral choices may result from a more or less unconscious acceptance of customary standards. But in order to teach children what they may do and what they must not do, a much more definite conception must be evolved not only of what is right and what is wrong, but of the reasons for that choice. The necessity for answering that ever-recurring, "Why?" of childhood, has helped to change a purely customary morality into one which is conscious and reasoned.

Conversely, of course, it is in the home that the fundamental attitudes toward moral and social values are acquired. Here, as in many other aspects of family life, we see the importance of having two parents. The child learns from the mother those tenderer virtues of sympathy and self-sacrifice which have become synonymous with motherhood, from the father standards of courage and self-reliance. These virtues do exist in the homes of the poor as those know full well who have entered at all intimately into their lives, and are essential everywhere to the development of sound family life.

We recognize this in the abstract but we often fail to see to it that the family lives under conditions that make this personal influence possible. Too great a burden put on the mother's shoulders will break down her patience—we all get irritable when we are tired—and then she ceases to be a stimulus to the child. Case workers should see that mothers are given a chance—a chance for recreation alone or with the children; decent clothing so that they can keep the respect of their children; and help in accepting American standards. The settlements are wisely trying to interest children in the traditions of the "old country" and to teach them to appreciate the beautiful handicrafts. There is nothing more dangerous than the breakdown of the mother's influence with the older children which often accompanies poverty. In proportion as the mother's life is well rounded and possessed of varied interests will she be able to train her children.

But there is another parent and he too has an influence. No family is normal without a father to provide the contact with the outside world, the stimulus, the sterner virtues. The increase in juvenile delinquency in both Germany and England since the war

began bears out this conviction. Case workers need to face this fact more clearly, and recognize that where this influence is absent a substitute for it must if possible be provided. During the war, for instance, it might be possible for the Home Service workers to interest the stay-at-home men in serving, in so far as an outsider can, as godfather to some soldier's boy.

EMOTIONAL CONTENT

If moreover, the family is to provide this essential training it must, we feel, not only be economically independent; it must have a genuine emotional background and it must have stability. Two emotional elements have been woven together into the texture of family life: the original sex impulse drawing together the man and woman, and the instinctive love for the child. Not only were they essential for the creation of the primitive family; they have been dominant elements throughout. They have modified each other, the sense of joint love and care for their children being probably the strongest factor in maintaining a permanent relationship between the man and the woman, the love of father and mother for each other influencing their attitude toward their children. (There is a noticeable difference in this respect in the attitude of parents toward adopted children where this emotional content is absent.) Without this emotional background serving to cement family life, the inevitable antagonisms and conflicts that must occur at times in any group living in such close contact would often cause its disintegration.

This may seem obvious, yet it again needs stressing in a consideration of the family for case workers. Do we consider enough how absolutely fundamental this emotional element is in maintaining family solidarity? Just as an illustration,—we are dealing with the family of a non-supporting husband and we urge the wife to take court action in order to force the man to resume his financial obligations. Do we always consider whether this is not going to destroy absolutely the emotional factors in the family life and do we consider it a last resort not a first one? Obviously we must, at times, utilize this means to bring a man to his senses, but do we often enough stop to ponder on the relative significance of emotional stability and economic independence? Do we often enough utilize the man's instinctive devotion to his children as a means of grace?

It is perhaps unnecessary to say that there may be at the other extreme an oversteering and sentimental attitude toward the relation of man and wife and children. Books, however, like "The Poor Man's House," and Miss Loames, "The Queen's Poor,"¹ indicate that there is throughout modern industrial life a sound underlying devotion and joy in family life on which we should more largely depend in family planning. It has, it is true, a physical and instinctive basis, but on that very basis, a genuinely spiritual structure may be reared.

It is, moreover, another element in family life which we must especially reckon with just now. Tremendous emotional adjustments are necessitated by the departure of the soldiers. The experiences in Canada in which intemperance and immorality are unfortunately not infrequent among wives of soldiers, heretofore women of irreproachable character, show what utter breakdown may result from this change in the emotional content of life; the substitution on the one hand, of strain and anxiety for the sense of assured protection and genuine comradeship, on the other, the sense of new freedom from control.

If we are to be truly helpful in tangled family situations we must reach a sympathetic understanding of the emotional elements involved and attempt either to strengthen normal relationships, or where that is impossible, reckon the effect on the whole life of the family of the absence of this fundamental factor.

FAMILY STABILITY

That a stable family life in which the child may secure its physical and moral development is necessary, is a conviction probably accepted by all case workers and one which is in our opinion borne out by the whole history of family life. If we believe that the mutual dependence of family life has been an important element in the growth of morality; if we believe that practical education in the home is valuable; if we see in the home a place for the nurture of spiritual life, we must recognize that permanence is essential.

There is, however, a change in the conditions which have kept the family stable. Some of these conditions were the economic usefulness of the family group, its relation to the holding of property, its religious significance. Of these, the second, the necessity

¹ See especially the chapter on "Husband and Wife."

for safeguarding property rights, has probably been the largest factor in creating legal safeguard for the family group. Yet, in this country, property rights have almost ceased to be a factor in maintaining family unity,—in fact, in the propertied class divorce is very frequent.

Since these earlier safeguards of family integrity are weakening, it behooves those who believe in its value to use every means to strengthen it through the development of its educational and cultural activities.

THE NORMAL FAMILY

We have attempted to sketch in outline certain elements in the complex history of family life and the forces which have molded it. The significance of this development to the case worker seems to me twofold.

We talk rather easily about "restoring families to normal living." We shall be more likely to achieve this without harm to the delicate fabric of family life if we see the family as a growing, developing unit of which its present form is only a stage and realize the process by which it has arrived here. We need to know the extent to which the father has been priest as well as provider; the family the center for moral and secular education; the way in which local customs passed on by the family have formed the basis for much of our morality and common law. With this background of understanding, we shall be keener to study "our families," not simply as economic units, failing to function, but as the complex basis of the moral and spiritual life of the individual members. That surely adds to the complexity of our task, but adds also to its significance. Some other economic adjustment of human life is entirely possible, and has been portrayed delightfully in many of the Utopias, with a purely individualistic and transient relation between men and women and with the children provided for through public institutions. But the family has been not only the economic unit but the largest single factor in the development of the altruistic and spiritual factors in life, and for the stimulation of these elements a substitute is hard to find.

In the second place it lays upon the case worker the necessity for studying the reaction of industrial and social changes on family life. We are more self-conscious than our ancestors and more keen,

therefore, to watch the results of our own social experimentation. The thoughtful study of individual families will indicate the extent to which modern social institutions foster or destroy the proper functioning of human life. Through skilful observation of family problems we will find the sanest background for a developing social program.

CASE WORK AND THE FAMILY

There is need, moreover, that we recognize the elements in our communities which tend to break down this normal family life. That it has tremendous vitality is indicated by its survival through all the vicissitudes of history. But that in individual cases it does fail to function is too obvious to need stressing. Sickness, inadequate wages, bad housing, intemperance, immorality, all these and many other factors break down this finely adjusted institution. Some of these are factors outside the family itself, for which the community is responsible, and which must be removed by community action. More and more we recognize how many times family breakdowns may ultimately be traced back to unwholesome external conditions such as these: a tenement so small that there is no place for real family gatherings; a father whose hours of work are so long that he cannot share his children's lives; an income too small to make joint recreation possible; these and many like factors nullify the truly educational possibilities of the home. It certainly is a task for those of us who believe in the value of this family unit to study ever more searchingly the conditions which tend to lessen its value in the development of the child and to endeavor to overcome them.

In addition there will always be the task of trying to help re-establish as nearly as may be, the homes where family life has failed to maintain itself either because of external conditions or because of an internal breakdown. Every home so reestablished means a sounder background, a better training for each child in it, so that our task has genuine social significance. It is, nevertheless, a task which will be approached in humility of spirit, if we realize of how varied and subtle strands normal family life is woven, and how delicate is the task of so readjusting them that they will form the perfect pattern.

OFFSETTING THE HANDICAP OF BLINDNESS

BY LUCY WRIGHT,

Associate Director, Boston School of Social Work.

The present stringency of the labor market has opened up opportunities for the present, at least, for use of handicapped labor, as never before. Among returned disabled soldiers it is so probable that there will be a certain number of blind men, that the government has already prepared a plan for their reception and special training. It is especially worth while, then, at this time, to try to formulate some fundamental principles of social case work in readjusting industrially men handicapped by blindness.

Foremost among these is the principle that all the work must be work *with* and not *for* the blind. If the "give and take" relation is the essential working basis of all good case work, it is doubly so in work for the physically handicapped. It is quite usual for blind men to ask: "Will you see what you think of my case?" A man of rare ability with oncoming blindness may put this to you: "I have a year, they say, before I shall be totally blind. I expect you people to tell me how to use that year to the best advantage." Another may say: "I am willing to do my part, but I cannot manage alone against such heavy odds. What will society do about my case?"

If we are to work intelligently *with* the blind we must first find the man behind the handicap. That is, I believe, the only hopeful basis on which it is possible to equalize his chances in such a way that he may make the contribution he has to make to society, be it small or great. To find the man behind the handicap is not, however, so simple a program as it may seem.

There are, first of all, certain obstacles in the minds of the rest of us. Blindness is a very obvious handicap. We who are relatively whole cannot help dwelling on what is gone rather than on what is left in others. It takes a blind person to say, as one cheerful, successful blind woman said to me, "Why, it's not the fact that you're blind that counts, but only how you take it!" We sighted ones even "speak up loud" to people who wear smoked glasses, so

vague is our concept of what may be going on behind those glasses in the mind of the person who simply cannot see with his eyes. We do not trust and understand the intellectual life without sight or the use of other senses as well as that of sight, and so we class together men who cannot be classed together in any other respect than that of the physical handicap they suffer in common.

The very existence of organized work with the blind from nursery to special work shop, encourages the tendency to lump the blind in a class. The best efforts of the best workers, blind and sighted, have not been able to offset the danger, and will not be unless, at this moment, when a share of the world's attention is turned to the physically handicapped, we succeed in "putting over" some such idea as I have suggested.

This idea will not be particularly pleasing to those among the blind and their sighted champions who believe that blindness is in itself a qualification for special consideration for it cuts right through the whole exploiting design. It removes the basis for either emotional or exclusively political handling of the industrial affairs of the blind. Without doubt the most serious obstacles to the development of a plan of work with the blind, on what a blind man has called "the something for something" basis, as against the "something for nothing" basis, lie in tendencies of both blind and sighted supporters of this cause to exploit the situation of the blind for emotional and political values rather than to develop it on the basis of a reasonable efficiency. This is regrettable, not only on economic grounds, but because it puts the blind and work with the blind on a false, unstable and temporary basis, and cannot, in the long run, bring them happiness and usefulness. Emotional exploitation is usually the fault of the sighted. Political exploitation is more often the fault of the blind, and the measure of success or failure of work with adults depends very largely upon the leadership in this respect within these two groups.

The great advance made in every department of social work in the direction of tests and estimates of individuals has greatly improved the quality of social case work with the blind.

This is illustrated in the department of education of blind children, by the work of Robert W. Irwin in the public schools of Cleveland, Ohio. Here we see the prospect of equalizing chances in life for physically handicapped children, not only by giving them

equal opportunities with sighted children, but by sifting within the group the sub-normal from the sound and training them appropriately. These are first steps. The principle needs only to be carried further in work with adults, and made to cover character as well as mental and physical tests, until we acquire a basis for and skill in estimating the possibilities of individuals, in time to be of service to them and to the community. One example of a move in the direction of this testing-out principle is illustrated in work for adults, under the Massachusetts Commission for the Blind, by the effort to use home-teaching of the blind as a preliminary try-out before shop training. This plan makes occupation therapy a test, if not a step, in pre-vocational training of blinded adults.

The need for securing a real basis for social case treatment of employment problems of blind men by coördinating the various lines of effort in adult work through some such central agency as state commissions or federal boards has been forcibly illustrated in the plans worked out for disabled soldiers in various countries since the war. The program includes orderly use of curative occupations, vocational reëducation if necessary, and placement in accordance with ability, whether in competitive industry, home occupation, or subsidized shop. Such an orderly technique presupposes coördination of forces in the industrial service of the blind, not on a basis of philanthropy, but of public educational and vocational service.

It must never be imagined that the principle of "finding the man behind the handicap" will minimize the amount or expense of work to be done. It is only a means of finding out what are a person's potentialities for the sake of reasonable economy, efficiency and, most important of all, for the happiness of the handicapped. This plan for individualizing may, on the one hand, be regarded as a protest against the unnecessary and harmful expedient of "trying to make a silk purse out of a sow's ear." A thinker with a scientific mind points out that this attempt, too common among social workers in what are still pioneer days, not only taxes the worker and defeats its own purpose, but too often destroys the possibility of a perfectly good pig-skin purse. It may, on the other hand, be regarded as a protest against the waste and unhappiness resulting from misuse of fine minds and natures in inappropriate work. This is felt most keenly in observing the lives of well-trained, intellectual blind people, for whose good energies society with its prejudices furnishes no outlet in effective work.

Individualization of the handicapped involves continuous recognition of the difference between those who are and those who are not capable of industrial aid. It involves distinctions among the forms of industrial aid, but requires always the same underlying principle. Society says to the handicapped man, "You keep up your end in proportion as you can,—we will keep up ours in proportion as is necessary, in order that you may make the contribution that is in you, be it little or much." This is the "something for something proposition" which must lie behind every form of industrial aid for the blind. To carry it out we need (1) to work out an orderly technique of social case work that is as acceptable and understandable to a handicapped man as to the sighted worker with the blind; (2) to provide by way of background a campaign of education reaching family, neighbors and employers in every community to which disabled men return, whether they are the victims of disease, industrial accident or war.

The difficulties of finding the man behind the handicap are many and various. It may be that he can be discovered early by some very simple touch. On the other hand it may take years to find the man behind the handicap, and then his contribution may be so slight that the subsidized shop may be obliged to meet him not only half-way, but more, if he is to "do his bit."

The fact that a physically handicapped man finds himself in the almshouse is no proof that he lacks skill and character. But it is well to try by actual test whether he has skill with his hands, as well as to make sure whether he has the force of character to stand up in the community. Raising of false hopes is one of the unkindnesses to be guarded against in all work with the handicapped. The temptation is great. For the almshouse population, the visiting home teacher who by actual try-out can test the mind and skill of hand of the individual, and form a just estimate of his character, is an essential part of a safeguarding plan. Through such a worker we make occupation therapy and pre-vocational testing a reality in work with adults. Massachusetts has been especially fortunate in her state home teachers (blind), and one among them has an especial gift for finding the good human qualities that lie behind the handicap of blindness, as well as the ability to read with the fingers and learn simple manual processes such as netting and basketry. The following is her own account of such an instance:

Another man, formerly at the State Farm, was there because while trying to earn a living at canvassing, after losing his sight, he had been robbed of his wares by a dishonest guide. He placed himself in the poorhouse, and had been transferred to the State Farm, where I found him. In the four months of instruction he learned to read and write Braille, to cane-seat and pith-seat chairs, and make rake knit bags. He was sent to a workshop in April to learn broom making, and before his vacation in August, had also learned to weave coarse rugs. He is now completing his apprenticeship, and will shortly find a place among the blind wage-earners. He has made since July first about fifty rake net bags and sold them, receiving between forty and fifty dollars for his work.¹

Then there is the man who meets you more than half-way. You are being tested rather than he. How can you help him contribute all that is in him to give? This kind of man is healthy, in mind, body and spirit. He simply lacks the use of one sense-organ. He requires no long period of readjustment. He masters one hand process after another. He had trade-training behind him before he lost his sight, and is confident that he can, with backing and special equipment, follow his old vocation of florist, in which he has had twenty years experience. Your job as a social case worker is with possible employers and backers, and not with the blind man. It is not a question if he will "keep up his end," but whether society will keep up its end. You must prove by actual experiment, and you can do it only with the aid of some florist of standing, that this man can actually do without sight the processes he did with sight, and that there will be a market for his labor, if he is provided with the necessary capital and tools with which to work. The story of how this particular man developed a greenhouse, with crops of chrysanthemums, tomatoes, mushrooms, etc., and of how, when the fuel shortage compelled him to close down, he turned successfully to competitive factory work cleaning bobbins in a worsted mill, is full of interest,—but what I have told is perhaps enough to suggest the variation in peace problems of employment of blind men.

The variation among disabled soldiers promises to be in some ways greater, in others less,—less, because the men are already sifted by certain mental and physical tests before they go to the front; greater, because of the chances of other physical handicaps in combination, perhaps quite different from those appearing in problems of civilian life. Greater, too, because among officers and men, this disability may cut across we know not what range of men

¹ Massachusetts Commission for the Blind, 11th Annual Report 1916-1917.

of talent. The plans so excellently carried out at St. Dunstan's, England, for soldiers disabled by blindness, and the carefully laid plans for American soldiers who may be so disabled, all provide for curative occupation early. Visitors from St. Dunstan's go to the blinded in hospital wards early "for good comradeship." All of the nurses, including the superintendent, in some of our base hospital units have voluntarily equipped themselves with knowledge of principles and practice of occupation therapy, and the government has laid careful plans for each succeeding step to the point where the handicapped individual comes back to live out his life in the community.

Canadian experience tells us that the principle of helping a man back to his former vocation holds in 90 per cent of cases of all disabled soldiers in Canada. Only 10 per cent need complete re-education. Placement takes on a new aspect when the country cannot afford to lose the labor of a fraction of a man. Work for the handicapped is transformed, and it is for us to see that the basis of transformation is brought over permanently into our community programs. Only ignorance of the true possibilities for individuals, and the dangers of emotional and political exploitation stand in the way.

In the meantime, for the worker with individual cases, there are suggestions out of past experience that may be helpful. The informal use of some simple classification, in arranging all the facts about the man and the situation may help both the man and the social case worker to face things together. Dr. Southard's discussion of classification in his course on Social Psychiatry at the Boston School of Social Work this winter has stimulated many of us to put in more orderly shape half-crystallized ideas and methods in social case work. The plan outlined in the footnote for rearrangement of all the facts in the situation is one we are in process of trying out at the School both as a help towards making a plan and getting at larger implications.² It presupposes that all the necessary facts

² Social Diagnosis, Social Case Work and Problems of Unity, Stability, Balance or Adjustment in situation of Unit:

Individual Classification of information about unit:

1. Self	Defects	Powers
Physical, viz.		
Mental,		
Psychological,		
Character,		
(apparently)		

have been gathered and recognized, and that only questions of actual diagnosis and treatment remain. It seems to be most helpful in the matter of proportions and emphasis. The individual as unit, and the offsetting of defects by powers are perhaps the most important points about it in relation to the blind.

In speaking to various groups this winter, students and others, it has seemed to me that it was more important to direct them to acquaintance with the life stories of handicapped individuals—in fiction (when truly interpretative), in biography, autobiography and in fact—than it was to dwell on points of special technique, in the education and employment of the blind. Nothing will replace this knowledge. The part of the blind in work with the blind has been its characterizing feature from the start. Often the best thing you can do for a newly blind man is to put him in touch with some other man who has been through similar experiences, and worked out for himself a recognized place of usefulness and a philosophy of life. For suggested reading, to prepare the mind for "what blindness is like from the inside out," a short list is given below.³ Many

2. Relation to immediate environment and to others.

Environmental (immediate)	Defects	Powers
Educational		
Industrial-Social		
Legal-Social		
Unclassified		

Diagnosis:

Self-adjusting

Requires interference

Temporary—Continuous—Permanent

Prognosis:

Helpable from point of view of

Treatment:

Social Implications.

³ SUGGESTED READING

Keller, Helen, "The World I Live In."

Montague, Margaret P., "Closed Doors." (Stories of blind and deaf children.)

Duncan, Norman, "The Best of a Bad Job." *Harper's Magazine*, 1912, p. 412.

Hawkes, Clarence, "Hitting the Dark Trail."

Holt, Winifred, "A Beacon for the Blind." The life of Henry Fawcett, the blind postmaster-general of England.

The Outlook for the Blind, a quarterly magazine in ink print devoted to the interests of work for the blind in this and other countries; edited by Charles F. Campbell, Columbus, Ohio.

more might be given. These are selected because they seem to me to help towards imagining what life in the dark may be like. The titles, even here, often stress what is gone, like "Closed Doors" and "Hitting the Dark Trail." Two suggest both sides of the case in quite a remarkable way,—“A Beacon for the Blind” and “The Outlook for the Blind.” The two most genuine and helpful titles to me are “The Best of a Bad Job” and “The World I Live In.” “Closed Doors” and “The World I Live In” do not relate to employment problems of men, but they, perhaps, set you right, at the start, better than any others.

To summarize briefly, there are seven suggestions towards helping to find the man behind the handicap that seem most important to “put over” at this time. They are the following:

1. Acquire confidence in other senses than those of sight.
2. Try to understand the real possibilities of intellectual life without sight.
3. Consider character as well as economic values. Professor Amar has made this point very clear in saying, “The mutilé possesses always a perfectly utilizable capacity for some kind of work. . . . He may actually compensate for his physical defect by an active good will, which increases his social value. This is a psychologic fact which must be turned to advantage.”
4. Help the handicapped to measure themselves, not only against the handicapped, but against all those with whom they must compete.
5. Make plans for offsetting handicap on the basis not of “something for nothing” but of “something for something.”
6. Test the facts to be faced with some simple classification that can be talked over by you and the blind man together.
7. Look for your inspiration to the lives of the blind themselves.

General Reading with references to the blind:—

Recalled to Life, an English quarterly, devoted to the care, reëducation and return to civil life of disabled soldiers and sailors.

Reconstruction, monthly bulletin, Military Hospitals Commission, 22 Victoria Street, Ottawa, Canada.

Shairp, L. V., “Refitting Disabled Soldiers, a Lesson from Great Britain.” *The Atlantic Monthly*, March, 1918.

THE CRIPPLE AND HIS PLACE IN THE COMMUNITY

By AMY M. HAMBURGER,

Formerly Assistant and Associate Director, Cleveland Cripple Survey.

For many generations the cripple has occupied a rather obscure place in the community, and has not had sufficient chance to share equally in all opportunities offered to normal children and adults. It is true that many individuals representing various organizations have been interested in the cripple and have helped in securing proper medical treatment for both crippled children and adults in some communities and limited educational advantages in others. Yet they have been unable, because of very apparent and justifiable reasons, to interpret to the community the real individual behind the handicap.

However, through industrial accident boards the needs of the adult cripple have become increasingly more apparent. As a result of recent infantile paralysis epidemics some of the immediate and pressing needs of children have also become apparent, stimulating in the community a deeper interest in both these groups. Although industrial accidents and infantile paralysis,—both serious causes of crippling conditions,—have increased the total cripple population, the community has not been aroused until the present time, to take any active steps in carrying out a constructive program, thus indicating their recognition of the significance of this group in community life.

Now, because of the war, the care of the returned crippled soldier forces the community to immediate action. Already, plans for his medical care, for educational, vocational, and industrial opportunities are well organized. Everything is being done to assure him of a permanent place in the normal life of the community. As a prospective idle dependent he is realized to be an undesirable citizen, so every chance for expressing himself in the kind of work he is best fitted for, by education, training, and physical condition, is to be open to him. It has even been said that a plan for some readjustment of the Workmen's Compensation and Liability Act is to be made, thus releasing the employer from the extra rates of insurance,—an expense incurred by employing handicapped labor.

All this means that the industrial world will be open to him and it is for him to choose his place. He will not have to face an unkindly and prejudiced community because of a slight physical difference. Such has often been the fate of the peace-time cripple.

These new developments, naturally, have an indirect influence upon the future of the peace-time cripple. They assure him that the cripple will no longer be judged by his slight physical difference, but by what he can offer to the community. It is true that many peace-time cripples have lived out their lives heroically and successfully and are holding positions of responsibility. This means that they made the most of the chances that came their way. Stories are often told of the successful individual cripple but such stories have never been accumulated in any available form that might serve as an inspiration and guide to other cripples, and to interested persons in this field of work.

At a meeting in Boston a member of the Committee on Vocational Training for Disabled Soldiers in discussing their work said that, at the very beginning of work before definite plans were made, they had asked for such material. They wished to know what cripples have been doing all these years; whether they had been successful in large numbers; if so, whether cripples with the same type of disability showed any tendency to follow any particular line of occupation; and whether they had been successful in that. Such contributions would have been invaluable as a guide. They soon learned, however, that information of this kind was not available in this field in the United States; therefore they were compelled to look to France and other allied countries for advice.

Social agencies, institutions, or whatever may be the type of organization working with cripples are the natural sources to look to for whatever information may be had about this group. It is, however, true that they are working with a limited number of cripples in their field and can, therefore, judge of their limitations and abilities by highly selected facts only. "Unfortunately, it is the many varieties of human failures which come as a grist to the social worker's mill and diagnostic studies are essential for the determination of what can be done by this or that treatment of the human material at hand."¹ For lack of time and funds it has not

¹ "Psychology and Social Case Work" by Dr. William Healey, National Conference of Social Work, 1917.

been the custom to diagnose an entire field of work—such as cripples—in order to get a background and learn from those who have no reason to come to the knowledge of any of these sources. At once the question might be asked if this is a feasible plan and if it has ever been tried.²

THE CRIPPLE SURVEY IN CLEVELAND

For such information it would be well worth while to look to the City of Cleveland, Ohio, a typical American city, which has made a diagnosis of its cripple problem and so knows all its cripple children and adults, their failures and their successes.

A group of persons, representing five different types of agencies, working with cripples were interested in child welfare work; the general condition of the handicapped; and the industrial chances of the handicapped. Having reached a stage in the development of their work where it seemed impossible to serve the community and cripples helpfully unless they could obtain some further light on their particular problem they too looked about for information on cripples in general, but could find nothing available in the United States. At this point they were advised to diagnose the entire problem in their city in order to get a clear idea of what had been done and what was needed. This seemed a colossal task but plans were soon under way for a city-wide house-to-house canvas, including both rich and poor. It was to be a democratic survey in every sense of the word and looked to the living sources of the community to contribute their share to make it a successful undertaking.

The social agencies of Cleveland, at first, thought that they surely knew all the cripples in their city. But after trying out a fairly typical section of the city, they were convinced by the results that they had in the past judged the problem by limited groups. The same proportions of new cripples—65 per cent unknown to social agencies—were found by the surveyors in all districts. A larger proportion of unknown crippled adults was found. This at once suggested that the adult cripples are not the dependents that one is led to think. It is so easy for the uninformed public to judge the entire crippled population by the unfortunate cripple who may

² "Education and Occupations of Cripples, Juvenile and Adult," by Lucy Wright and Amy M. Hamburger, Published for Welfare Federation, Cleveland, Ohio, by Douglas C. McMurtrie, New York City, 1918.

wish to spend his life selling shoe-strings and pencils on the street corner because he finds it profitable to do so. In the whole city about 150,000 families were visited and the total number of cripples recorded, including those known to social agencies, schools, hospitals, homes, almshouses, etc., was 4,186.

The response from the cripples themselves was most gratifying. When they were asked to contribute from their successes or experiences in life, to the encouragement and inspiration of others similarly crippled, or to tell the obstacles to be overcome before the cripple could be assured of any encouragement, they most graciously and joyously responded. Some were amazed that they should be considered cripples, even though they were without an arm or leg, or perhaps seriously crippled as a result of infantile paralysis. They had never considered themselves handicapped in any sense.

I remember well my visit to a man who had lost his right arm to the elbow and who was actually amused at being considered a cripple. His home was in a very respectable neighborhood of detached cottages. In response to my knock a man's voice bade me come in. I entered a large sunny kitchen, where this cripple was busily "washing up," as he called it, for dinner. He continued while he asked me who I was, where I came from, the purpose of such a survey, and the source of the financial support of such an undertaking. He emphatically said he wished to be connected with no philanthropic scheme. I explained everything from the purpose to the source of finances including the names of our committee members. As I finished he said, "I call that a fine piece of educational work, for you are not only learning about us but you are teaching the people of Cleveland that we are not an idle, begging lot, but men and women like the rest of you, with your good qualities and your failings, and that we want the same chance. We want you all to see us as we are,—real men and women with a slight physical difference but the same otherwise, and able to hold our own with you if given the chance." He then invited me to join his wife in the living-room where he told me his story.

He was one of a large family, whose parents were respectable, hard-working people. After graduating from grammar school, feeling the necessity of earning money and having a marked mechanical interest, he decided to learn the machinist's trade. Unfortunately at the age of 24 years,—he was then a skilled steamfitter,—he met

with an accident which resulted in the loss of his arm. The company made no settlement, as they considered the accident due to his own carelessness, and as he could not continue in his present work "he grit his teeth" and determined to use his savings for "educational help." He took a special course in mechanical engineering in a technical college, which he soon realized was beyond him because of his meager preparation. But he was not easily discouraged and went to an institution in a distant city where he took a course in mechanical drawing. At the completion, in a year, he asked to be given a chance in their workshop; they at first refused but later consented to employ him. Here he did all kinds of drafting. After a few years he went back to his home city, studied to be a first-class marine engineer, got his license and applied for a job. From now on he met his greatest obstacles. Unconsciously he had a habit of putting his disabled arm in his pocket and often was on the point of securing a much desired job, when the arm would as unconsciously come out of his pocket and the possibilities of work were gone. One day in sheer desperation, after being refused many times, he returned to one employer and said, "How do you know what a one-armed man can or can not do? You have never hired one. Why don't you hire one and give him the chance to show what he can do?" He was hired, at his own risk, as first-class engineer on one of the lake boats, where he remained for about 15 years. He earned \$175 a month. Because of his wife's ill-health he recently gave up his work. He, however, carries on a small business as automobile repairer and installer of heaters. He can handle all kinds of tools and do all the necessary processes of work in both jobs with the exception of cutting pipes.

In discussing the problem of cripples he gave from his own experience and good judgment much helpful advice. Among other things he said:

Don't judge all cripples by the loafers on the street corners. They are usually so from their own choice, or ill-advised help of their friends, and often would be just the same if they were not handicapped. Don't make us a separate class. We are the same as the rest of you. Judge us by what we have left, not by what we have lost. Put aside philanthropic schemes but stand ready to give us helpful advice when we are first disabled. This is the time we need it and need the right kind of friends. Steer us into the right occupation. Tell us about others who have been successful. Provide educational opportunities and training for children.

This successful cripple, with his fine philosophy of life and determination of character was a type of many men and women constantly being found through this survey. Consequently, the first definition of cripple: "A person whose muscular movements are so far restricted by accident or disease as to affect his capacity for self-support," was gradually abandoned and the purpose of the survey became: "To discover the economic and educational needs, capacities, and possibilities of children and adults in Cleveland who are handicapped because they lack the normal use of skeletal or skeleton muscles." This latter made it possible to carry out the original plan of making it a democratic survey.

As a result of such a broad purpose, the types of handicap considered were many, from loss of two or more fingers or a thumb, to a combination of most disabling conditions. This brought the work into a varied field of occupations,—so varied that there seemed to be no prevailing type of crippled persons following one special line of work. It is interesting to know that among 3250 persons over 15 years of age including 400 housewives, who were considered self-supporting, 58 per cent were employed and they represented every known disability recorded.

These industries and occupations were carefully classified in the hope that some further light might be found about the choice of occupations of the one-armed, or armless cripples; the one-legged or legless cripples; the cripples with other kinds of disabling conditions. However, the successful cripples most obviously adapted themselves to the type of work they were qualified to do. Three armless men were found following three distinctly different lines; one is a beggar, spending his time on the street corner; the second, a street peddler who, with reins about his neck, drives a small team through the streets; and the third, a judge in the District Court who wrote his bar examinations holding a pencil between his teeth. This is his only method of writing because his arms are amputated close to his shoulders, thus preventing the use of artificial arms.

Among the legless cripples were: a beggar of fine physique, unfortunately, undisciplined in youth, sitting in the hotel doorway, asking alms under the pretext of selling gum, and averaging from \$15 to \$30 a week, according to his mother's statement; a successful stenographer employed by a real estate company, earning \$17 a

week; a successful salesman in the employ of an artificial limb company earning \$100 a month, who said he could run and dance like a normal man, although to the keenly observant person, a slight limp and slight stiffness of one limb could be detected. There was also the skillful cartoonist with a congenital paralysis of one arm, and a defect of one leg, whose entire life has been as much like that of a normal person's as his judicious parents could make it. So unaccustomed was he to thinking of his handicap that he was almost startled when he was informed by his mother that she had reported him as a cripple to the surveyor. He dances, swims, play tennis with one hand, and enjoys the usual activities of the normal man.

These are merely types of innumerable cripples visited in this survey. Each is different, showing clearly character defects and the variable mental attitude that plays such an important part in directing the failures or successes of the cripple in the economic world,—as important a part as his physical disability and in some cases more.

Of the total number at work 54 per cent were earning a living for themselves. Over one-half of this number were supporting themselves in addition to others. Only a small number of those unemployed were receiving industrial pensions, which immediately raises the question as to whether industry is bearing its just burden in relation to the number of accidents.

The number unemployed, of course, was greater among those having the heaviest kind of handicap although large numbers of those with serious disabilities were at work. The man with double club hands and club feet illustrates the latter type. His parents were Polish immigrants who were illiterate and who never learned to speak English. This man was the oldest of 21 children born in a remote town in Kansas. Although his parents realized his deformity, no doctor was consulted until he was about five years old—his mother had a midwife at birth. As his father was a laborer earning \$1.10 a day, the doctor's price was beyond their means, and no further medical advice was sought. Until 12 years of age he was dragged about in a cart by his younger brothers and sisters. About that time the family moved to Cleveland. A shoe-maker in the neighborhood offered to make shoes for him which would enable him to walk. He also taught him to make his own shoes, which he does to this day. From that time he was no longer dependent, and, best of all, he could go to school, an unexpected but longed-for joy. Be-

cause the family income was so small, he felt after five years of schooling that he must go to work. During this time no suggestion of public hospital was made to him or to his parents by teacher or neighbors. Therefore, with practically no use of his hands, selling newspapers seemed the only opening.

He is now 35 years old, and with the exception of a year when he tried the experiment of keeping a cigar store which was not a profitable business venture he has sold papers on a street corner. He has also some regular customers in office buildings. Both parents are dead and he is the support of a sister and two children, and two young sisters whom he hopes to send to high school. Very frankly he said:

My parents were simple, ignorant people who did the best they knew how. I have no complaint to make. I am strong and vigorous. I like to work and am thankful for the opportunity because I must support my family. It is not too much of a care and it gives me something to be responsible for, and a reason to make a home. Think of the types of people with whom I come in contact: think of the side of life that has been revealed to me and from which I can guide my family. No, I have no complaint to make but I trust all cripples may have proper medical treatment; that they may have educational advantages; and that you may interpret us to the community, especially to employers. Both are strongly prejudiced and unwilling to take us for what we are.

This kind of occupation with no future to it would not be advisable for every cripple to follow, but no one watching this man at his work could doubt his businesslike attitude in close competition with the very alive young newsboys who frequent his corner.

The results of this survey may seem so optimistic that one might easily assume that no further plans are necessary for cripples. But when it is known that one-half the total number were crippled in childhood, and that one-fourth of the total crippled population were under the age of 15 years at the time of the survey, very important plans suggest themselves and are already under way in Cleveland.

The importance of making such a survey cannot be overestimated either for Cleveland or other cities. It has not only given the interested groups and social workers in Cleveland a general knowledge of their crippled population in all its phases, but has also given them and others undisputable facts by which to judge this problem fairly. From now on mistaken ideas about cripples

can be dropped. Here is an opportunity to put them right, so to speak, in the minds of their neighbors who are apt to have very wrong ideas about the ambition, ability, and economic status of those who do not present the same outward appearance. From Cleveland, a city largely without industrial training either before or after disablement, where cripples unaided have contributed to their own successful economic independence, much can be learned. The lives of unknown cripples are much more normal than had been supposed, although, because of unequal chances, they have undoubtedly often followed the line of least resistance.

The important fact to be faced is that cripples must be divided into two large classes,—the helpable by normal educational means and the helpable by specially devised means. By the former is meant those who are able physically and mentally to share normal opportunities of life; by the latter is meant those who are unable physically and mentally to share normal opportunities of life and whom it is not human to force beyond their ability. They should be aided to live out their lives happily with the limited equipment they have. With this division it will be much simpler to establish the normal place of the cripple in the community. To accomplish this means something more than case work with individuals; it means more surveys like Cleveland's, and educational campaigns, legislation, etc., as a basis for needed plans.

What do the cripples themselves want? Turning again to the life stories of the successful ones, they want:

- 1—Not to be confused with the begging type of cripple.
- 2—Not to be forced into a special class.
- 3—An opportunity to be judged by what is left and not by what is gone.
- 4—To be given an opportunity to make the contribution of which each is capable.
- 5—To share equally in all chances offered to normal individuals.

This is the appeal from normal, thoughtful cripples to interested individuals, organizations and social workers for an active share in life. The task then, is to extend permanently to all the advantages of community life.

THE SICK

BY EDNA G. HENRY,

Director, The Social Service Department of Indiana University.

Social work, unlike medicine, still suffers lamentably from a want of precise and sufficient knowledge. More complete statistics upon poverty, pauperism and mere misery, their nature, extent and causes must be collected and made available before any social worker can speak with authority. Of two facts, however, he is already convinced. Prevention, and teaching for prevention, are as essential in social work as in medicine. Neither can there be any good social work without access to expert medical practice. This is true equally in the prevention of suffering or in its relief, and true whether the concern is with mass betterment or with individual improvement. Whatever special line of activity occupies the worker, be it public or private, institutional or case work, the situation is the same.

LESSONS FROM THE MEDICAL PROFESSION

In seeking to remedy bad social conditions, they (the workers) have come to recognize more fully the great handicap of bad physical conditions and have learned to welcome, in the effort to remedy these, the aid of a newer and more constructive medical science. Their awakening is due, in part, to their own deepened experience of human need but even more is it due to the socialized members of the medical profession who have led the way in many departments of social endeavor.¹

Social workers today are a bit too proud of having socialized the physician. They feel that they have opened his eyes, so that he is aware not only of the fact that a man's heart may not be treated without complete consciousness of the rest of his body but also of the additional truth that he cannot be considered or cured apart from the larger social unit of which he is a fraction. The condition of his lungs and legs may well be less important than his income or his wife's tastes and temperament. Any visiting nurse or social worker can name a dozen points the physician sees now which formerly were invisible to him. Physicians, upon the other hand, do not see, or are too busy to note, how social work has improved since it

¹ Mary E. Richmond, "Social Diagnosis," p. 204.

realized and admitted to itself its dependence upon medicine. If the social worker has learned nothing else from the medical profession, there is at least the new value of records and more scientific method.

Many will be inclined to deny that the value of any record has been enhanced by contact with doctors. They point with scorn, and alas, with truth, to the deficiencies of dispensary records. But medical work has made records more valued. For long the best social case workers have known that their records, and the use they made of them, in the end determined the quality of their work. They did not have to point to the obscure and forgotten careers of missionaries to prove that work, no matter how good, is lost and as if never done unless recorded. They regarded as sacred and confidential records which might embarrass individuals or ruin reputations but when medical facts appeared on them, they learned that people's very lives and entire futures might depend upon a date and a diagnosis, or be lost through carelessness. It was then that records became as precious as babies.

Unconsciously, too, workers now follow methods long consciously practiced and taught by physicians. It is not without significance that a book for social workers is called "Social Diagnosis," but only recently have students and new workers been called upon to test their labors with a medical outline. It is beyond dispute that for social woes, the doctor's outline for physical ills should be followed. The order should never vary. Relief of symptoms should always precede, but should be followed by diagnosis, prognosis, treatment, scientific research and public education for prevention.

Even the most unthinking layman will agree to the necessity for any immediate relief of symptoms. No doctor will refuse to allay pain before he knows its cause. The trained social case worker must always have a plan which involves temporary relief first, with investigation afterwards. But this worker also, like the doctor, now demands diagnosis before further treatment. Some seek a prognosis also, although few are courageous enough to act upon it. Treatment, as with the physician, depends upon the individual worker, upon his knowledge and upon his acquaintance with remedies. Like most physicians, the majority of case workers stop at treatment and do not proceed to the further research and consequent possible public education for prevention.

Not only do the best methods of physician and social case worker thus resemble each other; either to succeed must imitate the other in borrowing from all science and all available knowledge. The one may belong to the finest type of the recognized professions, and the other, as Abraham Flexner asserts, may be of none, but both of them must recognize their mutual need. A great painter, a violinist, or an aviator may accomplish his full purpose with naught but the technical knowledge needed for his own pursuit, certainly without all knowledge or without that charity the absence of which makes all wisdom as nothing. No physician and no social worker, however, any more than the mother of ten children, ever knew anything which at some time did not prove essential or invaluable.

The social case worker must do more than imitate the physician in his method and in his tireless pursuit of learning. He must obtain from him also that technical medical knowledge which he alone possesses and the instruction and advice concerning its social application which he alone can give.

PRESENT AIMS OF SOCIAL WORK

Four centuries ago that ancient modern, Juan-Luis Vivés, said: "It is not only those without money who are poor; but whoever lacks strength of body, or health, or capacity or judgment," and "a common peril besets the citizens from contact with disease. . . . It is not the part of a wise government solicitous for the common weal, to leave so large a part of the community not only useless but actually harmful not only to itself but to others." He also said, than which there has been no truer word written: "the law of nature does not allow that anything human should be foreign to man, but the grace of Christ, like fast glue, has cemented all men together."

Yet, after all these centuries, only three years ago, Dr. Richard C. Cabot was compelled to say, with truth, "We have dealt with man's estate extensively. We are now in the heyday of the discussion of health of the body. We have just begun to see that the mind is the greatest of all questions for social workers. But that is for the future; we are still in the center of interest in health." He had to say also: "Health is still a separate section because it has not yet been welded into the whole thought of social workers." Centuries ago Montaigne declared that a man could not be divided for

the purpose of educating him but apparently it is not yet clear that he cannot be divided for any purpose whatever, even by the most competent and well-intentioned social worker.

Unfortunately, outside of the large cities, there not only is but little concern for health but too little provision for its maintenance. No social worker any longer listens with patience to the statement that the best comes from the country. So it does. Also the worst comes from the country—or the little town. Mark Twain possibly was right about its origin. A country-born baby may have a better chance to be healthy, if he lives; but he and his mother have less chance to live.

The social worker, like the plain citizen, is not constantly aware that men's lives and habits are determined by the ways in which they make their living; and that the ways in which they make their living are decided all too often by their physical condition or by mental conditions growing out of disease. Only the rich, and the poor of cities, may have adequate medical attention. This proposes to the social worker who knows it, all sorts of individual health problems and induces serious thought concerning the possible alternatives of social insurance and the complete public control of health.

Even ardent believers in democracy, in the equal chance for all, too often fail to see the necessity for primary physical fitness. Perhaps war will open some eyes. Men who believe in the power of income discount health. Those who know that health is important agree with Benjamin Ide Wheeler and discredit the character-making possibility of sickness rightly handled. But the social worker must deal with the whole man, his environment, his body and his mind and soul—his character.

NECESSARY MEDICAL KNOWLEDGE

In trying to improve a client's environment, the social case worker needs to know something of neighborhoods, schools, the local housing problem, industries, the employment situation, the comparative chances in certain lines of labor for a Jew, an Irishman or a Swede, for men or women, hours, wages, and the best way to approach an employer, actual or prospective. All social case workers know this but they do not all realize the same necessity for learning the prevalence of disease, the consequences of physical conditions, the character of the water and milk supplies, the existence and mech-

anism of their medical institutions and the most effective manner of dealing with physicians and surgeons. Yet, where a few years ago four-fifths of all the reference calls of the best known agencies were work references, today they are, or ought to be, medical references.

But how, one may well ask, can a social case worker know his own business and medicine also? Is it fair to require so much and such varied knowledge? Is it possible to obtain it? No, and no again. Neither is it necessary to do so. The most serious mistake a social case worker can make is to appear to know anything about medicine. Nothing is so maddening to a physician or so discouraging to the medical social worker as one who knows more about medicine than does the doctor. The inquiring social case worker who *knows* that an afternoon temperature always means tuberculosis, that osteopathy will cure epilepsy, that a patient with paranoia is "as smart as I am," that a skin eruption is syphilis and that syphilis at all times is a menace; a school nurse who herds in children for glasses and the removal of tonsils and adenoids—and nothing else; a city missionary who converts and protects girls but ignores their sicknesses;—these are pests and regarded as such in any medical quarter. Equally obnoxious is the child welfare worker who cannot believe that a boy is feeble-minded; the relief agency which insists upon a positive diagnosis on a first visit; or the probation officer who holds an epileptic responsible for all of his acts.

Can these workers learn enough not to make such mistakes if they have no knowledge of medicine? They can. Social case workers need only to realize in the beginning that nothing will save the situation unless good medical service is available. If such service cannot be obtained, the social worker's first business should be to create an agitation which will result in the provision of doctors and nurses. If they are available already, or can be found, then the social workers must trust them. They must know their own job so well and engage in it for such fine motives that they can believe in the skill and sincerity of others. A social worker has a right to smile when a doctor says: "This man needs his rent paid"; and surely the doctor may smile when a social worker says: "This man has tuberculosis." The medical social worker learned long ago to say, not, "This man has heart trouble," but "This man complains of his heart."

Social workers need no knowledge leading to medical diagnosis

or treatment. They should know, however, the causes and cost of those diseases which are social problems in themselves. They should know what these diseases are and why they entail a social burden. They should be concerned, not with disease, but with health. They should be able to recognize health and to learn what there is in the community which will maintain it for all.

It is not necessary for anyone but the doctor to recognize or to treat tuberculosis but many in addition should know that tuberculosis costs the community more in money and in sorrow than does any other one disease. The value of early diagnosis should be known and, for the individual case, what has been advised medically. A social case worker does not have to decide whether or not a patient needs hospital care but should know what hospital facilities there are and what will happen to the home of the patient should he leave it. No social agency has to conduct a hospital, only to know how hospitals are conducted, or, if there are none, how to get or reach them. It is still more worth while to create, in any community, such health as will decrease the demand for hospitals. In other words, social work must recognize the character and extent of disease, its own dependence upon the physician and the possibility of full coöperation with him. It must not encroach upon his territory or permit him to dictate unwisely outside of it.

PURPOSE OF THE FEDERAL CHILDREN'S BUREAU

The three times in a man's life when the social worker can accomplish most for him are the same periods at which the physician can do the most also. These are when he is a baby—with his mother—when he enters school and when industry claims him. It was Bernard Shaw who said that if the world and its affairs were as they should be, a man would need a doctor but once in his life, and that for his mother, when he was born. This is so true as to be tragic when the truth of it is ignored. Could every mother have proper prenatal care, inspection (for, after all, birth is not disease), instruction, confinement care, nurse and physician, the health problem would be more than half solved. In America, 300,000 children under five years of age die each year. Over half of them need not die. This is a waste of life, of vital energy, of time, and a cause of needless suffering which the country is no longer willing calmly to tolerate. The Children's Bureau proposes to save these babies through individual effort, by:

1. Registration of births.
2. Complete care, nursing and medical, for every mother, whether she can afford it herself or not.
3. Children's conferences and clinics.
4. Organization of local bureaus of child hygiene.
5. Pure milk.
6. Adequate incomes.

The Children's Bureau was born of the child labor movement and fathered by the Department of Labor. Why has it deserted its own field, to enter that of health? It has not. This is but a logical step from its inception to the attainment of its own purposes. It looked into its own questions, made some research, and has turned to the right beginning, to the babies, and to public education for prevention of ill to them. Immediately, it finds itself leaning upon the doctor, the public health man, for instruction and guidance and upon the workers in each locality to look after each individual baby and, in the process, to educate the mothers. Nothing so clearly illustrates the circle around which one travels for the maintenance of health, the perfecting of industry and the consequent betterment of living. There has been enough of vicious circles. This golden one is to succeed them.

THE SOCIAL WORKER AND THE HEALTH PROBLEM

When the social workers, however, reach health problems, they come to them in many ways. There are workers within institutions, workers in the community, workers concerned with morals, with education, with relief, with health and those whose whole business is with sickness itself. The chief object of the workers necessarily modifies the manner of attacking the health problem.

The social worker should define clearly to himself his own job, realize in precisely what way health is necessary to its successful accomplishment and act accordingly. The worker in an institution should know that he or she has an opportunity to get everyone in the house thoroughly examined and treated and consequently may perhaps send them out in better health than they otherwise ever could have had. This is his business. A girls' school which does not examine all sent in for immorality, a prison which fails to learn who is feeble-minded, who is insane and who tuberculous, is a curse, not a safeguard, for its people. An orphans' home which ignores the physical condition of any child is unfair to all of them. A jail

usually is more dangerous than any mediaeval plague spot. But the whole business of a social worker in an institution is to see that his charges are placed in the hands of a good doctor and to enforce that doctor's orders when given. He needs to know, not medicine, but the comparative value of health and the social destructiveness of disease.

For the attendance officer, the charity organization agent, or the children's worker in the community, the affair is not so simple. In a large city where there are well-known and excellent dispensaries and hospitals with social service departments, all the worker has to do is to learn their location, mechanism and peculiarities. After that, the word of the medical social worker in the medical institution may be sufficient. In the smaller community, the affair is more serious. An attendance officer who is now a medical social service worker was asked where she got her first medical experience. She said that she had obtained it when a truant officer in a village. Then she had had to learn, not how to enforce a compulsory school law, but how to rid her clients of vermin and how to distinguish impetigo from cancer. She had learned further that it was easy to find doctors, to ascertain their hours and the extent to which she could impose upon them. Such imposition is justifiable and necessary as yet and the doctors have never complained, but social workers certainly should realize, whether anyone else does or not, how much free service the average physician gives, and how desirable some better and fairer method is than the one now in use. Outside of the institution the social case worker then needs to know thoroughly all of the medical and nursing resources of the community and how to use them with the least trouble to busy doctors and nurses and with the maximum results for his own people.

A social case worker should also try to inform himself concerning some of the simpler questions of hygiene and the common and best known facts about disease. There is no doubt that, other things being equal, the worker today who has had some experience or training in a medical social service department is more valuable than any other for any variety of case work. This is not because he has learned medicine but because he has come to know how to use the medical knowledge which is available and has acquired something of the medical point of view toward the patient.

"Social workers have been handicapped even in their use of

these sources of information by their lack of knowledge of even the most elementary facts of disease and by their lack also of understanding of the organization and discipline necessary in a hospital or dispensary.⁷² Moreover, the organization and discipline to which a good medical social worker yields is in itself training too often denied the average social worker who, to be effective, is necessarily something of a free lance. A student who has had to observe dispensary rules and to remember that every one is sick, never makes the stupid blunders about health and doctors of which other workers are certain to be guilty, although he may make worse. The medical worker is always as much interested in incomes, housing and occupation, as is the relief agent; but the latter is not always equally concerned about health questions.

More and more, therefore, where it is possible, general social workers are acting more closely with nurses and the medical social workers in hospitals and dispensaries. It is easier and more effective thus to divide the job. Perhaps the greatest concern of any worker in the community should be to see that there are enough and the right sort of medical institutions properly equipped with medical social workers, while most certainly the chief concern of all should be that prevention of disease which alone will decrease the necessity for so much medical care.

Objection is made to such coöperation. It is claimed that the visiting nurse is too often blind to social and relief situations and most untaught in social procedure. She will ask for eggs without number, no matter what the price. Worse, she may insist wrongly upon unwise aid for a sick woman whose husband has deserted her. Upon the other hand, it is the nurse alone who knows efficient, and therefore economic, forms of relief for the sick and she may be the first to discover some sorts of illuminating information never given to any but doctors or nurses.

Objection is made further that the necessity for such coöperation works for harm because it sends too many people into one family. The layman is always aroused by such so-called duplication of work and the intrusion upon the individual's privacy. To be sure, until the war is over, less will be heard about intrusion upon privacy. As for sending too many people into one family, it is well to remember the answer of a certain Boston worker when the ques-

⁷² Mary E. Richmond, "Social Diagnosis," p. 255.

tion of referring unmarried mothers to other agencies was discussed. She alone thought it all right to transfer such a patient and added, "You only give her another friend." That is the point. The relief worker who tells a client who is going to the dispensary as a patient to be sure and see Miss B——, the social worker, makes another friend for a woman who has too few acquaintances wiser than herself. This has a further point, if it is remembered that in the final analysis the social worker can justify his existence in but two ways, by what he can teach and by what social chasms he can bridge.

THE SOCIAL WORKER AS TEACHER

What any single worker can do for an individual person, all that he can accomplish in one long day, will never prove his value unless he also is always a teacher, and one who remembers that the best teaching is by example. The social worker is the modern neighbor. He must not only be a teacher but at all times an additional connecting link between the normal and the abnormal, between the fortunate and the unfortunate in a world which grows too complex for most. It is, therefore, an advantage to specialize in social work as well as in any other profession. The client may have as many friends as he has varieties of troubles and each will make an additional link in the chain which binds him to a better part of the community which he represents. Such a social worker, primarily concerned with other than health problems, needs only to remember the value of health, its relation to his own questions, to recognize its absence, to know where to go for it and how to obtain the nurses and medical social workers as well as doctors who are needed for the maintenance of health and the prevention of disease in his community.

A very just objection to this attitude is the fact that it cannot apply to rural communities. These force upon the social worker, even one interested only in sick individuals, not only local problems of nursing and medical attention but the larger ones of education for health and public control. Such a violent departure from the present situation may well arise from agitation in long neglected country districts.

The medical social worker has a certain value another has not, both for health problems and for social problems connected with them. From the doctor she¹ learns what social relief must be added

¹ "She" rather than "he" is here used in referring to the medical social worker as in the vast majority of cases if not universally, such workers are women.

to medicine for the alleviation of physical pain; she knows not only the medical diagnosis but in how far the social diagnosis depends upon the condition of the patient's body. She is better able to say what the social prognosis will be for a sick man; and she certainly can give not only to other workers but also to legislators and even to doctors, illustrative arguments for new social laws and procedures. Not only that, she sends her patients out to teach health even as other social workers send theirs out to teach facts about labor, housing and community life. If one good housekeeper in a city block may teach ten, the woman who has all of the babies "measured" is the one who should be converted to the use of pure milk.

The medical social worker was born not only of the public's increased desire to alleviate misery, to make medical work more effective or to teach for prevention rather than to relieve. She came into existence primarily as a "logical result of the recent advance in medicine."⁴ No better explanation can be given than to continue:

The social service department has a still higher office . . . namely, the aggressive campaign toward the prevention of disease. The recent advance in medicine shows that nearly all of the most serious conditions are easily curable if treated early enough, while many others are more easily prevented than cured . . . and since the most important cause of social dependency is sickness, those charitable organizations whose function it is to relieve conditions of poverty, see in hospital social service an agency which in time will lighten their burdens, although in the beginning it may appear to increase them. Indeed it may be said with confidence that social service departments in connection with our busy hospitals and dispensaries will in the future be the most potent means for the prevention of disease, and, therefore, of the miseries which so often are the result of disease.

The medical social worker differs from other social workers only in that she deals with sick people, and that, unlike all others, she is always found within, if not as an integral part of, another institution, a medical institution. A man may be poor or immoral or a woman may be in distress but unless there is also physical suffering their care is no more the concern of a medical social service worker than of a church or of a relief agency. Moreover, they come to the attention of the social worker within the institution of which she is a part and have themselves sought that institution, and

⁴ Charles P. Emerson, "Social Service and Medicine," Report of the Social Service Department, Indiana University, 1911-1912.

consequently the worker, first. This worker extends into the surroundings of the institution the ever widening circumference of its influence, instead of attacking similar problems in the community itself.

THE POINT OF ATTACK

Like charity organizations and the church, a medical social service department concerns itself with the whole man but its point of approach and the method of attack are different from that of either. The primary business of the medical worker is with the cure or relief of disease but to obtain her results she must consider character quite as carefully and sacredly as does the church; prize education as does a school; join public health movements and daily distress herself with problems of relief. While medical social service is one, and the most recent, manifestation of the growing public health movement, and is a part of the public demand for the abolition of poverty and the decrease of all needless suffering, it must never be forgotten that, above all, it is the latest outgrowth of modern medicine. Today, therefore, advancing social work of any sort must be linked with scientific medical work. The hospital and the dispensary which cannot give a high type of medical service should waste no time on social service. The social worker in a community which offers no fine medical service is wasting most of her time and money. If communities are to deal with the social problems which have been in their midst for centuries but are being revealed slowly by city life or swiftly brought under the limelight by war, these communities must have trained social workers, conscious of the value of health as well as of economic and spiritual good, and must also have splendid medical work.

WHAT PROBLEMS ARE MOST IMPORTANT

In this connection it may be interesting to note what social problems loom large to the medical social workers. One department furnishes a list of the social ills which have come most often to its attention and have made for it the most work or the most anxiety. These are: alcoholism, babies born in hospitals, broken families, cardiac troubles, cripples, children, drug habitués, epilepsy, eye troubles, feeble-mindedness, foreigners, gonorrhea, illegitimacy, industrial accidents, diseases and maladjustments, sick inmates of

state institutions, insanity, negroes, sex problems, suicide, syphilis, tuberculosis, unmarried mothers and vagrants. This classification of social ills, most of them recognized only as diseases, is peculiarly worthy of note at a time when the government and the Red Cross also are trying to maintain health and social equilibrium. A certain army surgeon lately stated that in his opinion the greatest problems after the war would be: broken families, crippled soldiers, tuberculosis, mental and nervous complications, heart disease and venereal diseases. The social service department which offered the above list had found to its astonishment that its greatest problem was the broken family. It had more broken families than any other one trouble. Next to broken families and children, it was most concerned about cardiac patients, mental and nervous cases, and after them, the tuberculous and syphilitic. In other words, the war will create no new problems for social workers, but will only reveal or emphasize those already existing, especially those of death and disease.

Social workers who are in the habit of thinking of their social problems in other terms, economic, moral or mental, should notice how closely their ills are interwoven with these medico-social questions. It is worth while also to see which of these have been abandoned by the case worker. No social worker any longer believes that the time and money spent in an effort to reform a single drunkard are spent most worthily. She wants to see prohibition tried. There is no medical social worker who is not ready to ask for the public control of venereal disease, and for more institutional care for the feeble-minded, insane and epileptic. Because of the tragic cardiacs and the tuberculous she cries aloud for prevention and education rather than cure. The proved decrease of blindness, with the increase of eye troubles which keep children from school and impair the efficiency of workers, even more illustrate the criminality of indifference to prevention.

It has been said that every patient who enters the door of a dispensary is a social problem. Thus far, this is true. It is equally true that all social problems involve questions of health. Some day the public will be as impatient with people who are not well, who are not able-bodied for their jobs, as it is now with the man who cannot reach work Monday on account of Saturday's drink.

All social workers must take more and more into consideration

the problems of health, both for the individual and for his community, while the medical social worker should study more and more the larger social questions. If no social worker can know too much, no medical social worker ever knew half enough. In the beginning it was thought that such a worker must be a nurse. In some cities she still must be. Nevertheless, it is an admitted fact pointed out even by their leaders, that the nurses who make good social workers do so, not because they are nurses, but because they have ability in another profession as well. Social work, even medical social work, is not nursing. The average nurse, moreover, lacks general knowledge of people and affairs and is less likely to have the necessary broad education. Not only that, her training tends to close her eyes and dull her natural initiative; whereas, a social worker, if she succeeds, must have and use science, imagination, daring and ingenuity. As yet, she is most often a woman, and all of the qualities which a great mother or a successful teacher needs should be hers. For the patient's sake she should have imagination, sympathy and good judgment. She should be just, as well as kind. For her own sake she should have good sense, good health, wholesomeness of spirit, a sense of humor and unconquerable faith in folks. She should have a true knowledge of the texture of normal society, of modern social problems, of the inter-relation of dependence and disease. She should know humanity, out of her own experience with it or her belief in One who knew. "He looked out from his Cross upon a jeering multitude, symbol of the vaster multitude who forever jeer and crucify the good, and there He performed His supreme miracle. He believed in them. He saw what was in them."⁵

Such a worker will never be blind to, nor lose sight of, any of the ills of her client or patient; never fail to seek the underlying cause of his trouble, either in his own life or in the society of which he is a part. She will never fail to seek medical care or advice for all who need it. But she also will advise and urge more education concerning health, more frequent routine examinations of babies, school children and workers. She will insist upon measures to lessen the state's vast expenditure for social wreckage due to disease and to increase those for the promotion of universal health. Such

⁵ William Lowe Bryan, "He Knew What Was in Man." Indianapolis: The Bobbs-Merrill Company, 1913.

a worker will argue with wisdom concerning the just expenditure of effort and money and the possibility of success with the individual case, or, in losing it, will be comforted by the use of it as educative material which may serve to save others from similar fates. Any social worker who would obtain the greatest result, socially or medically, must forget himself in the pursuit of good for his client. He will get for him all that he can of income, health and happiness; but he will never forget that what he does or fails to do, if recorded, will add to human knowledge and echo to the end of time.

PRINCIPLES OF CASE WORK WITH THE FEEBLE-MINDED

BY CATHERINE BRANNICK, M.D.,

Psychologist, Massachusetts Reformatory for Women.

The subject of feeble-mindedness is now recognized as one of the most important educational and social problems of the day because of its relation to other social problems. Various researches have shown that it complicates practically every one of our social questions, poverty and dependence, delinquency, vice and crime, inebriety, vagrancy, unemployment and industrial inefficiency. Numbers and relative increase are the important factors in the problem: it is estimated that three in every one thousand individuals in the United States are feeble-minded, making a total on this basis of 275,000; in proportion to their population they are increasing at practically twice the rate of the normal population. The burden is heaviest in the fields of delinquency and crime: 48,000 feeble-minded persons are committed yearly to correctional institutions in the United States, and the percentage of feeble-minded within these institutions is variously estimated from 15 per cent to 50 per cent.

As research has demonstrated the widespread significance of the problem, methods of meeting it have multiplied, with the idea of prevention leading. At present thirty-two states make some provision for this group in special institutions. In many cities special classes have been established under the public school system providing a curriculum adapted to their needs. A few states have passed permissive laws providing for sterilization and in effect debarring marriage under certain conditions. The department of immigration has recognized the problem by more careful examination and observation of the immigrant. An educational campaign has been directed by numerous organizations throughout the country interested in eugenics and mental hygiene and a special committee, national in scope, was organized in 1915 with objects "to disseminate knowledge concerning the extent and menace of feeble-mindedness and to suggest and initiate methods for its control and ultimate eradication from the American people."

All forms of treatment revolve about the special institution for

training and segregation, but it has come to be accepted that it is impracticable and even undesirable to work for such provision for all members of the group. There can be no question but that institutional treatment is the most economical and the only rational one in the case of the low grade, the intractable and the clearly unprotected. On the other hand, it is quite as evident that given proper personal and social treatment, many more of the group will be safe and fairly useful members of the community. These two ideas, segregation limited or permanent, and special training with directed oversight in the community, are the guiding principles of the plan of treatment outlined by the mature and progressive students of the problem. In Massachusetts, which already leads in its provision for the feeble-minded, a state program has been outlined by the League for Preventive Work which methodizes these ideas. The program, known as the Fernald plan, provides care for the known defectives according to their individual needs and methods of finding others. It includes:

- (1) A state commission
 - (a) for friendly guidance of mental defectives who under supervision can live wholesome lives in the community,
 - (b) with authority to safeguard in a state school those who cannot.
- (2) A state-wide census of the uncared-for feeble-minded
- (3) Clinics for mental examination easy to reach from all parts of the state
- (4) Special classes in public schools for mentally defective children
- (5) Special treatment by the courts of mentally defective delinquents
- (6) Completion of a third school for the feeble-minded

In addition, the State Board of Education is "planning a State-wide investigation to determine the number of subnormal children not being provided for in institutions," with the idea of formulating a state-wide policy for the special training of these children. It is hardly probable that such a model plan can soon be carried out in its entirety even in the most progressive states. Certain of its most important principles can be tried out, however, even in those states which are most backward in providing for the feeble-minded and chief of these is the principle of individualization of treatment.

The idea of applying this principle to work with mental defectives is new and as yet not very acceptable to the general social worker. In the words of one of these workers, "there's no such animal as case work with the feeble-minded." The assumption has

been that once an individual has been diagnosed as mentally defective, there is nothing more to be done unless he can be shut up in an institution. This attitude disregards the facts that variations and types of mental defectives are as many as among the normal; that many who must be graded as mentally defective are in a limited degree socially competent, are making a poor but adequate living, and so have escaped the attention of the social agencies; that social incompetence or inability to manage one's own affairs as used in the definition of feeble-mindedness may be modified by special training and oversight.

Recent figures of psychological tests given to the drafted men of the United States Army show that approximately 2 per cent of the men are mentally inferior. Their services, nevertheless, are to be used within the army in forms of work suited to their intelligence, —in the care of horses, carting, road repairing, etc. The inference is that there had been no expression of social deficiency, to any degree, in these men previously.

Feeble-mindedness is best defined as "social incompetence due to arrested mental development." It is therefore more inclusive than the term "mentally defective" and is used in a double sense,—a psychological and a social one. It does not imply an absolute lack of possibility for social competence, but only a limited or relative one. The definition of the British Royal Commission (1908) specifically defines an individual of the highest grade of feeble-mindedness as one "capable of earning a living under favorable circumstances, but incapable from mental defect existing from birth or from an early age of competing on equal terms with his normal fellows, or of managing himself and his affairs with ordinary prudence." In practice, the two aspects of feeble-mindedness, defective intelligence and social deficiency, are found combined in varying degrees. Many of the relatively low grades of intellectual defect show no special anomaly of temperament and disposition and grade fairly high by the social test; many others who grade relatively high in the psychological sense show such temperamental eccentricities as to make social adjustment impossible.

Although constructive work with the feeble-minded outside of institutions is as yet comparatively new and undeveloped, it has already demonstrated the possibilities of modifying the social inefficiency in certain types so that they are acceptable and fairly

useful members of society. Classes for subnormal children in Springfield, Massachusetts, in Boston, New York and other cities not only have given specialized education and training, but through the personal interest of the teachers or specially appointed visitors from the schools, the children have been followed into their working life and the necessary help and supervision given in industrial adjustments.

It is well to dwell on the hopeful and positive aspects of individual treatment of this group for, whether the eugenist and social reformer will or no, the feeble-minded will still remain in the community. In Massachusetts, the leading state in institutional provision for the feeble-minded, there are as yet only one-fifth of the estimated number in the state so cared for.

Since institutional care for all of the group is obviously out of the question, the next consideration is the classification of types to fit the two main divisions of treatment, institutional and community. This classification would be based on considerations covering in general the personal and social factors in the make-up and immediate surroundings of the individual, as:

- (a) Age
- (b) Degree of mental defect
- (c) Inherent and innate characteristics other than the purely intellectual
- (d) Possibilities for special training in the community
- (e) Possibilities for protection and supervision
- (f) Development or no of anti-social habits

Feeble-minded women who have passed the active sexual period and show no special emotional irregularities should be able to fit into community life under supervision. Men with no anti-social tendencies are often found self-supporting and fairly useful workers in many of the lower forms of industry. These are the men so often described by their employers as "honest, faithful and industrious, but not over bright." Very young children should not be allowed to crowd the institutions for the feeble-minded, to the neglect of more urgent and suitable cases. Frequently parents ask for the commitment of such children to be rid of their care, and social workers are often found aiding or encouraging this, though the case may present no special problem in itself nor even in its relation to the family problem.

It is of course self-evident that the lowest grades of mental

defectives, even young children, unless physically and socially well cared for, should be in institutions. This is the type which fits very fairly into other institutions than the special ones for defectives. Above these grades, the decision as to the form of treatment will be based more largely on the temperament and disposition of the feeble-minded individual than on the degree of purely intellectual defect. Even when the community offers good opportunity for special training, the decision between institutional and community care will still depend on the individual, on the probabilities that he can be made industrially and socially efficient to some degree. Is there possibility of adequate protection and supervision? Has he the physical capacity to get on outside an institution? Are his innate tendencies such that he is unlikely ever to fit into community life? Is he lazy, cruel to his weaker companions, sexually over-active? Is he innately irritable, stubborn, destructive and abusive in temper? Is he untruthful, sly or thieving? If these or other innate tendencies that have an anti-social bearing are present in the feeble-minded, then institutional treatment is the choice, irrespective of degree of mental defect, or special ability along industrial lines, or opportunity for training in the community.

Any industrial or reform school can give plenty of evidence that it is not the intellectually higher types that should be kept out of institutions for the feeble-minded. The directors of these schools complain that most of their troubles of a disciplinary nature can be traced to these defectives, and one director goes so far as to say that there is no incorrigible prisoner in his reformatory who is not sub-normal.

As found on commitment, there is no doubt but that the majority of these defective delinquents are troublesome beings, but there is always the question whether a certain number might not have been improved to the point of relatively fair social competence by individual treatment in the community earlier. When a feeble-minded boy or girl is recognized as such for the first time in a reform school, it is sometimes difficult to separate innate characteristics from acquired bad habits and influence of environment. Mental defect and mental instability frequently are present in the same individual, but the instability observed in the adult feeble-minded is undoubtedly due in some instances to environmental over-stimulation acting on defective inhibitory powers. This is illustrated in

reformatory experience the opposite of that of the superintendent's described above, and it sometimes happens that a feeble-minded individual, whose conduct in the community kept his relatives and the police busy, gives no trouble when under restraint in an even environment.

The classification of defectives for the purpose of outlining treatment should form a part of the diagnosis in every case, and for this reason is work for the expert, capable of giving clinical consideration to all the characteristics of the individual, physical, mental and temperamental, and of evaluating them in their relation to his environment. A simple diagnosis without recommendation is not much more helpful in the fields of psychology and psychiatry than in the field of general medicine. Any one who has had to deal with problems of delinquency or other forms of conduct disturbance, knows that when the psychologist has said that an individual is or is not feeble-minded, he has said the least that can be said. If the person is feeble-minded, the conduct disturbance may or may not be directly related to the mental defect, while the bald statement that he is not feeble-minded leaves his conduct disturbance wholly unexplained. An interpretation of the individual is the only helpful diagnosis and is as important in the case of the feeble-minded as with the intellectually normal who present behavioristic problems.

Such interpretation is absolutely essential to the intelligent handling and oversight of the feeble-minded in the community. The outlook at best may not be encouraging but the problem is there and must be met. All too frequently it happens that the institution is non-existent and that the community form of treatment is the only possible one. When one knows the individual, that he is defective to a stated degree, that his defect is or is not transmissible, that he has certain socially favorable characteristics that must be deliberately fostered or socially negative tendencies that must be deliberately repressed, it is possible to work with hope that is not overhopeful.

In the handling of feeble-minded children in the community, one can do no better than borrow from the principles and methods of the special institutions and classes that have already been successful with them. The most successful of these appear to have applied education to defective children in its literal sense, a "drawing out" what is in the child more than a "pouring in," irrespective

of ability to hold or digest, as seems to be the interpretation of education in the ordinary school. They search out special aptitudes and develop them; they deliberately take advantage of the strongly imitative and suggestible qualities, and exercise these qualities for good; in the absence of any ability on their own part to build up a true morality, the children are given a superficial morality by punishment or deprivation when they do wrong, and reward or praise when they do right.

If the child is in the regular graded school room, it is very necessary to watch lest he be given tasks that are quite beyond him and pushed to the point of mental irritability. The knowledge acquired in school is much less important than the habits formed and the attitude toward life and work. A habit of failure acquired in school is as bad for the feeble-minded child as for the dull normal, and quite as often follows the child into his working life. If he is the type of defective who has insight into his own dulness, the habit of failure may be accompanied by a discouragement which is very difficult to overcome.

Two excellent examples of individual work with feeble-minded children in the community were observed by the writer in connection with work in an open air school, having two teachers for fifty pupils, and a resident nurse. One of these was a girl of thirteen and a half years who had been in the school for three years and in that time had completed only one grade. Physical examination on entrance and at the time observed showed nothing more than poor general condition. At the time of observation she had been promoted to the fifth grade, but was not by any means doing the work of that grade. By all forms of psychological tests she graded as feeble-minded, passing just over nine years by the Binet (1911) scale. The teacher's report was that she was abnormally quiet and reticent when she entered the school, but a likeable girl on the whole. Her dulness had been recognized, and she herself seemed quite as conscious of it as the teachers. The school's efforts to overcome her reticence showed excellent results in the girl's general attitude, though she was still very sensitive to her dulness. Some fear was felt when she left school at fourteen that her old reticence might make it difficult or impossible for her to fit into industrial life, but she found factory work at seven dollars a week and still kept the work when last heard from eight months later.

The other pupil was a girl about whose age there was some doubt,—the school giving her age as thirteen and a half and her mother as fourteen and a half. This girl was recommended to the open air school primarily as a conduct problem, although the grounds for admission were present in the very poor general physical condition. The history as given was that she had been growing more and more troublesome for a year past, and recently had become quite incorrigible in the class room. She would thrust her tongue out at the teacher, make faces at the other pupils, etc. The principal referring the girl thought it a case of beginning psychosis. She was in the fifth grade. An older brother had also been very troublesome during his last year at school, in the fifth grade, and had been transferred to the industrial room.

Psychological examination showed an unmistakably feeble-minded girl, mental age by the Binet scale being less than nine years. When first admitted to the open air school she reacted in the class room as in the previous school, and gave considerable trouble even in the recess and rest periods. After two weeks trial, it was decided to take her out of the class room, but to let her remain in the school, taking her rest periods with the other pupils and helping the school matron during her class periods. Her improvement was so marked that the consent of the principal was asked for the continuance of the plan. There was no further conduct disturbance though she continued to be noisy and boisterous in play for the first few months. She remained for that school year, her only school work in that time being selected reading. On leaving school she found work in a factory at \$7.50 a week and was at the same work when last heard from eight months later.

The home as a factor in the training of a feeble-minded child is of course even more important than the school. Where the home is not in itself capable of giving adequate oversight, the assent and coöperation of the parents are manifestly necessary for supervision from the outside. Under authorized supervision from a central state agency, this question of coöperation would probably never arise, even though the actual visiting were delegated to local private agencies. It is unlikely, however, to arise in the case of any home that is capable of properly training and protecting a feeble-minded child. With the children themselves there is rarely any difficulty in approach,—they do not question motives as the normal child.

The parents should be told very frankly any special points in the diagnosis and recommendation and be given specific instructions from time to time as to methods of handling the child. Especially should they be warned of the necessity for the formation of regular habits and the dangers of overstimulation. Ways of fostering the socially positive qualities of the child and combating the negative qualities should be gone over in "words of one syllable," if need be. All work should be directed to the formation of good habits and the avoidance of bad.

Ways of keeping the child's interest in the home should be devised; a habit of reading should be encouraged and books selected for their possibilities of pointing a simple moral without any special stimulation; simple games that give the child a fair chance to win should be provided from outside if the family cannot provide them. Any musical ability or interest of the child should be fostered.

While the child is still in school the question of the kind of work he is likely to do later should be considered. It is well to plan for this as near the home as possible to avoid the expense of carfares and the many undesirable distractions that car-riding involves. Lack of ability to do certain forms of work does not handicap the feeble-minded so much as lack of ability to attend to the job. For the child who has been deliberately trained to a fair degree of stick-to-itiveness, this will be much less of a handicap and he should fit very fairly into many forms of unskilled factory work.

Possible employers should be interviewed and interested in the practicability of employing such children. Their response is often surprising. They take the rather sensible stand that it is as well to employ people about whom the worst is known as to run the chance of getting the same people through the regular employing channels and know nothing of them. One of the most encouraging and heartening experiences that come to the tired social worker is the encounter with the kindly employer or foreman who says he is willing to give the defective child a chance and who gives much more than a chance; the effect of his friendly supervision is shown later in his confidential opinion that the doctor who said that particular child was feeble-minded doesn't know his business. This kind of an employer and especially this kind of a foreman is really not an isolated instance.

A point to be especially emphasized in work suitable for the

feeble-minded is the possibility for supervision. The best and most complete special training can never make of the defective anything but a helper. There is no exception here even in the case of those defectives who have special abilities along certain lines, for although they may be able to do the actual work done by a carpenter or a plumber, they cannot plan as a carpenter or a plumber, or work independently.

Both social workers who give supervision and even more the families of the feeble-minded persons are apt to forget that a fair amount of recreation is as necessary for the defective as for the normal, and that it is quite natural that he should desire the particular forms of recreation the rest of the community enjoy. Games in the home, music, reading, fancy work, are not sufficient when all the rest of the world, including other members of his own family, are attending moving pictures or a band concert. Outside recreation should be planned for in a degree which does not cause overstimulation, and under supervision which is not so obvious as to arouse antagonism.

In dealing with the adult feeble-minded individual who has been recognized as such for the first time as an adult, one realizes that the most important part of the program of work for the feeble-minded is the provision for methods of early diagnosis. As found, he presents a problem of mental defect with all that it implies of lack of judgment and control plus well established habits that are difficult or impossible to break. If these habits happen to be actively anti-social we have what is so popularly known as the defective delinquent. Treatment of this type outside an institution is practically never successful and institution directors who have dealt with them will say that treatment within any ordinary institutions is quite as unsuccessful. Mental instability is more prominent than mental defect in practically all of these cases,—they are not merely untrained feeble-minded. The mental defect, however, is there, and the community should treat them not as delinquents but as the doubly defective individuals that they are.

Work to make the defective safe for the community should go side by side with effort to make the community safe for the defective. This to be effectual must cover a wide range, from education of the community on the significance of feeble-mindedness and the necessity of special provision, to the enforcement of all laws for the protection of children and the security of public morals.

Just as the methods found specially adapted to the teaching of the feeble-minded have contributed much to the educational methods applied to the normal child, so the social treatment of the defective on the individualistic basis is bound to point the way for better methods of dealing with social problems among the normal. So-called individual work with the normal group is much more frequently personal than individual, and failure in the social handling of the normal individual is undoubtedly often due to this fact. The obvious defects in the feeble-minded make it necessary to search out and determine the value of any positive qualities that he may possess and weigh them against the defects. The psychologist or psychiatrist in interpreting the individual furnishes a basis upon which truly constructive work may be done, when the social worker knows the best and can foster it and knows the worst and can fight it.

CASE WORK IN THE FIELD OF MENTAL HYGIENE

BY ELNORA E. THOMSON,

Executive Secretary, Illinois Society for Mental Hygiene.

The attitude of mind of the social worker—perhaps especially in the field of mental hygiene—cannot be better stated than in the words of Dr. Meyer quoted by Miss Richmond: "A willingness to accept human nature and human doings as they are before rushing in with the superior knowledge of how they ought to be. The first need is to know *what* they are." The motto of every social worker and investigator should be that of Terence's Heauton Timorumenos: ". . . . One who investigates must be ready to accept anything human beings think, feel or do as not altogether strange to human nature: 'I am but human and I do not consider anything foreign to me'; it is at least worthy of human consideration."

This implies forbearance with the patient, the relatives, especially those by marriage, other agencies,—already wearied with much effort in the patient's behalf—the courts and the state officials. It implies also an ability to reflect the patient's point of view and not one's own, to report symptoms and to know facts. Above all it implies honesty and straightforwardness in dealing with all concerned.

Patients are referred to the mental hygiene social worker in many different ways: in person, through other agencies, through relatives, physicians, institutions, neighbors, courts, schools, etc. and always because of some form of unusual behavior which may manifest itself in an inability to adjust to surroundings, or to acquire knowledge, deep melancholy, addiction to drugs or to alcohol, unreliable or irrelevant statements, ideas of persecution, unusual demands, threats against individuals or groups, etc. It necessarily follows that any plan for investigation must be elastic to meet the demands of the individual case.

The first contact with the patient is often extremely difficult and the successful worker in this field must be resourceful and a responsive listener. Miss Richmond writes:

The important things in initial interview are privacy, absence of hurry, frequent change of topic with some deliberate padding to ease the strain, particularly "when irritation begins to adulterate the account," and yet through all a clear conception on the part of the interviewer that a certain goal must, if possible, be reached, and a slow, steady, gentle pressure toward that goal—this, in brief is our program. Giving the patient all the time he wants often leads to that fuller self-revelation which saves our time and his in the long run. Pressure of work! Lack of time! How many failures in treatment are excused by these two phrases! But wherever else the plea of lack of time may be valid, it is peculiarly inappropriate at this first stage, for no worker ever has leisure enough in which to retrieve the blunders that result inevitably from a bad beginning.

If the first interview is successful a friendly relation with the patient will have been established and can be maintained during the period necessary for further study before making a plan for examination and treatment for, unless this interview or the history obtained from other agencies has brought out symptoms which indicate that the patient is a definite menace to himself or the community, it is usually wise to delay a clinical examination until the social history is complete, for the recommendation of the specialist as to treatment whether institutional or otherwise is often dependent on the social history. In other words, a chronic mental case in which treatment is unlikely to be of benefit and only custodial care is required, is institutional or not according to the reaction to the hallucinations or delusions as shown by the social history. The modern clinician with his well developed social attitude is unwilling to make a recommendation without such history.

Thus the social service worker in the mental hygiene field must know the value of evidence. All the primary work must be for the purpose of the mental examination and must be truthful and exact. Curious experiences are often founded upon fact and must not be termed delusional until their unreasonableness is clearly established. Symptoms of physical disease must be noted and if indicated a thorough physical examination secured and the findings submitted with the social history at the time of the mental examination.

In the gathering of this history which must take into account both heredity and environment, the well trained worker knows the evils arising from too much questioning of the patient and avoids anything which simulates a mental examination. An indiscretion here may make more difficult the later examination and the treatment which is to follow, for an examination that does not lead to a

plan for treatment is of little value. A word here should be added against the very common practice of taking a patient from clinic to clinic. This is not only unprofessional on the part of the worker but often results disastrously for the patient, who soon loses confidence in both social workers and physicians and becomes an even more puzzling social problem.

Numerous difficulties, however, are likely to be encountered in efforts to work out plans for treatment. Frequent statements like the following will be given the worker: "This patient is not in need of institutional care but needs congenial work in a good environment with understanding direction." Practically the only way to meet the need of such patients is to establish, in connection with the field work, an occupational department where training and employment under skilled supervision can be provided. In establishing such a department the prime necessity is, of course, the director, who must be a well trained teacher who understands abnormal individuals and not only knows various handicrafts but can also teach her pupils to produce articles which have a sale value; for such a department will not be a success unless the patients have the incentive of economic return for their efforts while working in the department. The result hoped for is such a readjustment of the individual as shall later make possible positions in regular industrial lines. This will be possible in a considerable number of cases, but if this cannot be accomplished at least there will be brought out the reasons why the patient can not readjust and so make possible a working plan for continued treatment in or out of an institution.

Some patients can get on very well under such continued supervision as a department of occupation gives and can contribute largely to their own support while they would otherwise be entirely dependent. Another group of patients will be found, after a period spent in the department, to be a menace to themselves or to the community, and with the information gained in daily contact, commitment to a state hospital is made possible. Still other patients needing hospital care, who will not at first consider it, can later be induced to go as voluntary patients.

Then there is a group who are not a menace to themselves or the community, living in their own homes, chronic shut-ins, whose lives can be made much happier by occupations which can be taught

them by a field teacher; the economic return may be very little or nothing, but there is a distinct therapeutic effect which will at least make for less complicated family situations and certainly add to the sum total of human joy.

The following case histories taken from our records may serve to illustrate:

PROPHYLACTIC

In the fall of 1914, a Syrian, 30 years of age, came to the United States with his wife and children. He was unable to speak the English language and such friends as he had were unable in that time of financial depression to find any work for him. He had a little money which gradually disappeared. He had been trained to work in metals and had brought with him to this country a little stock of silver jewelry, thinking by the sale of this he could increase his capital, but he could not sell it because he knew of no market. He became more and more depressed and finally so deeply melancholy that his wife, fearing he would take his own life, appealed to some Syrians whom he knew. One of these Syrians was a patient of the Mental Hygiene Society and brought this man to the office. He was sent to a physician for physical and mental examination and returned with a statement that his melancholy was probably due to his inability to obtain employment and the prescription was work.

Work was provided for him in his own line in the occupational department. It was possible to find individuals interested in the silverware and some was sold almost immediately bringing in a little money; orders were secured and the man gradually came to look upon life from an entirely different viewpoint. During this time the statements made by the patient were verified and at the end of six weeks a position was found for him. Very shortly he was promoted and things have gone well with him ever since until now he is part owner of a prosperous grocery business in a neighboring city and is very sure that, but for the understanding aid given at his time of special stress, he would have taken his own life, for he was convinced that if he were out of the way his wife and children would be cared for by kindly disposed individuals, but that an able bodied man should be self-supporting.

VOLUNTARY

Patient referred by another agency in the following letter:

We would like to refer to you the case of A. P., 17 years old, living at ——. There is a history of insanity in the family and one of the younger girls is very nervous. A. has lately developed a mania for cleaning everything around her.

She had a position in an office but finally could not be persuaded to do anything but clean her desk, etc. and had to be dismissed. She does the same thing in her home and her mother feels she is getting worse. She is perfectly quiet so far.

Will you kindly let us know what you can find out about her. Her sister, G., 13 years old, is one of our patients at one of the dispensaries.

A call was made at the home and an interview with the mother brought out the following facts:

Parents born in Germany, no relatives in America. Father, brilliant but very erratic, well-born but not in favor with his family. Had been addicted to the use of alcohol for a great many years. Four years before had deserted his wife and children. Mother, hard-working, plodding, of peasant parents, interested in her children, and anxious to do all she could for them. Mother stated patient had been very bright in school, stood at the head of her classes but was always inclined to be nervous. She left school when in the seventh grade at 14 years of age to go to work in order to help out the family income. At first she did piece work in a factory but it had seemed very hard for her and was given up when a position in an office was found. A few months previous to our worker's visit, a girl in this office had suffered from some eruption on her face and body. Patient worried a great deal about this and began constantly cleaning her desk and the things about her. Finally she had to leave her work and at home was always shaking and cleaning her clothes. She would sit in only one chair in the house which she frequently washed and would not allow any one to handle any of her things. She realized her own nervous condition, felt that she was growing worse and was anxious for treatment. Appeared to be very anemic and was extremely emotional.

An examination by a neurologist was arranged and he suggested sanitarium treatment. The parish priest was interested and the patient was sent for six weeks to a sanitarium for special treatment. At the end of that time she returned greatly improved and upon advice of the neurologist was given work in our occupational department. She was still somewhat emotional but was soon interested in the work. It was discovered that she had considerable artistic talent. This was developed and through the sale of baskets which she made and children's toys which she painted, she was able to earn from \$7.00 to \$9.00 a week. Improvement was gradual and treatment extended over a period of eight or nine months. At the end of that time, however, recovery seemed to be complete and the patient was able to return to her former position in an office where after two years she is still employed giving satisfaction and earning a good wage. In addition to this she is taking certain courses in an art school.

BORDERLINE

Referred by Bureau of Occupations where patient had gone frequently to secure employment. She was a woman 50 years of age, born in the United States, had received high school and normal school education and had followed the occupation of practical nurse. She was unmarried and a Protestant. When interviewed she was very nervous and excitable. It was discovered that her eyesight was considerably impaired but she refused to see an oculist. The landlady where she had lived for some time had found her very difficult and peculiar. She was in arrears some thirty or forty dollars for room rent but the landlady stated she was strictly honest and that if she secured employment would pay her debts but that she had been idle many months. She would not do nursing in a family where there was any house work and would not even take care of her own room.

It was the landlady's opinion that the patient was incapable and inefficient. It was found that she was making an effort to bring suit against an employment bureau for having referred her to a position as a domestic. Work at sealing and stamping envelopes was secured for her but her employers were unable to keep her as she was so extremely difficult. At our request she was examined by a neurologist who stated that she had decided defects and was a social problem but hardly an institutional case. He advised work in our occupational department. As it was extremely doubtful that her earnings would support her an interested relief agency coöperated with us in this experiment so that the patient would have an adequate income during the period. In the work in this department it was found that not only eye-sight but also hearing was defective and that she was utterly unable to adjust herself to any ordinary situation. She would make no attempt to do the work provided and was constantly complaining of work, teachers, other workers and food. She became very indignant when it was suggested that an examination of her eyes might make it possible for her to secure glasses which would make things easier for her. She was unwilling to take any type of work but that of companion to an elderly couple and unable to see that her special defects would make it impossible for her to get on in such a position. It was discovered that she was known to many physicians who all felt that she was not responsible, and finally she had become firmly convinced that her inability to get work was due to persecution. An old friend of her family was interviewed but stated that he was unable to do anything for her and could not put us in touch with anyone who would. He was quite sure her family history was negative. She had been in one of the city hospitals two years previous to this time as the result of an injury, had been very difficult and irritable and had been considered a mild mental case. Her eyes had been examined with diagnosis of cataract but she had indignantly left the hospital when an operation was suggested. Six years before she was in another hospital and in two different convalescent homes. In each instance she was reported erratic and difficult.

After several months of effort to adjust her to conditions some relatives were found living in Chicago but she would have nothing to do with them as she considered them her bitter enemies. Finally a position was found for her in a department store for the holiday season but she remained only one day as they put her in the toy section and she said she knew nothing about toys. Again she made many complaints in regard to the people with whom she worked, stating that she was the victim of a system of persecution in which she included a physician who had recently befriended her and all of the agencies with which she had any dealings as well as her relatives and other individuals. The matter was again taken up with the old friend of her family who still felt unable to do anything. Her physician, after this period of intensive study, felt justified in issuing a certificate stating mental illness and papers were taken out for commitment to the psychopathic hospital. When this was reported to the old friend of the family he was inclined to be indignant as he did not feel that she was insane and thought that some other provision should be made. Even the history which had been obtained covering nine years of inability to adjust to any sort of living conditions was not convincing to him. He was told that any arrangement he might make for her care which included the necessary financial aid and supervision would be satis-

factory and arrangements could be made to have her dismissed in the care of any one whom he would designate. At the end of a week the patient was dismissed in the care of a woman who had consented to room and board her, the old friend agreeing to supply the funds. This is probably only a temporary arrangement, but the fact is established that she is physically and mentally unable to be self-supporting and it may be reasonably expected that no further effort will be made in that direction in a community having a well organized confidential exchange.

DANGER TO SELF OR COMMUNITY

This case was referred to us by a legal society whose representative stated over the telephone that a patient was in their office much excited, declaring he could not hold a position because wherever he worked his enemies followed him and made his employers discharge him; that recently he had been in the Bridewell, having been sent there through the work of his enemies and no fault of his own. This patient reported at our office and proved to be an Egyptian, 30 years old, who had been in the United States eight years and who had for some years followed the occupation of ship steward or house man. He was able to make himself understood in many languages but unable to read or write, had never attended school and had no relatives in this country. He thought one sister still lived in Paris but had not heard from her for years. All of his other immediate relatives were dead, one brother having been killed in the Boer war. He had been naturalized while living in New York, had held positions in different cities of the United States and had apparently never stayed a great while in any one position but had been more than one year in Illinois. As he was out of a position and needed work, he was employed as janitor in our office while an investigation of his statements was being made. He was found to be a very good worker but inclined to be sullen and easily offended. The fact was brought out that he had been employed in one family in Chicago for six months. Numerous statements which he made in regard to this family were found to be without foundation, and as he was persuaded to talk more freely of his troubles it was discovered that he felt this family, particularly the mistress of the household, was responsible for all of his difficulties, and that he had made up his mind that it would be necessary to take her life if he was to have any more peace of mind.

With these facts established he was examined by a specialist who issued a certificate for his commitment to the psychopathic hospital where he was persuaded to go by one of our field workers. Later he was committed to a state hospital for the insane, where he is now under care and treatment.

AFTER CARE

This was a young woman, 37 years of age, born in the United States, who had a high school education. Her history was one of considerable instability during her childhood and early womanhood and she was committed to the state hospital in maniac state. Paroled during the first year of hospital residence, she was returned within a few weeks in a highly excited condition and had been in the hospital ten years with no history of any mental abnormality after the first year. She was very agreeable, anxious to be helpful and did excellent needle work. Her relatives

were persuaded to give her a trial outside of the institution when given assurance that they could have the help of a specially trained social worker. She was furnished employment in needle work and later was given training in certain special classes in work for which she seemed to have a liking. At first frequent visits were made to both relatives and patient in order to reassure them. The patient has had no recurrence of her mental difficulty and has been self-supporting for the past six years except during two very severe physical illnesses during which time she was cared for in a general hospital. Both relatives and patient have relied for advice upon the social service worker.

Case work in mental hygiene, then, is of benefit to the individual and, in coöperation with other agencies, to the family and to the community. But it has another and even more far-reaching function—for the records honestly made with proper regard for "the value of evidence" are an important contribution to the research worker in the mental field where so much still remains to be ascertained as to the causes of certain forms of mental disease and methods for prevention.

THE FATHERLESS FAMILY

BY HELEN GLENN TYSON,

State Supervisor, Mother's Assistance Fund of Pennsylvania.

Before the movement for mothers' pension legislation spread over the United States after 1911, there were two general forms of administering relief to fatherless families. The first was through private agencies, many of which have for more than a decade realized that the only constructive solution of the poverty problem presented by the fatherless family is a regular allowance on which the widow can depend to free her from worry and overwork and enable her to give her children real home care. The other form of administering aid was through the public agency for outdoor relief. Under the old Poor Laws, meager allowances had always been granted to widows, but never on any adequate basis; nor had the public officials administering this relief formulated any policies as to standards of family life to be required in the families aided, nor defined the quality of service to the children that could reasonably be demanded from the mother.

While a few states have developed their mothers' pensions system simply through an extension and re-interpretation of the old outdoor relief laws, the general form of the new public administration of relief has been through the courts. This seemingly chance development was probably due to the fact that in a number of states the courts still have jurisdiction over dependent children and that one of the best-known Juvenile Court judges in the country was the first to make an effort to have the jurisdiction of this court extended over such dependent families. Then, too, there was the greatest distrust and dissatisfaction with the old outdoor relief agencies among those interested in public welfare, and it seemed to be the easiest solution to divorce them entirely from the new administration of this form of aid. The states that have recently passed mothers' pension legislation, however, have realized how unsatisfactory administration of relief through the court is apt to be, and recent mothers' pension laws—notably those of New York, Pennsylvania, Delaware, and New Jersey—have created an en-

tirely new piece of administrative machinery based on the plan of county organization, but with state supervision or control. These efforts to separate this group of dependent families for special treatment reveal a new realization that the community as a whole is largely to blame for the ills that afflict individuals, and a growing conviction that from the point of view of self-interest alone, the state must assume greater responsibility for the welfare of its children. In 1909 the Royal Commission on the Poor Laws of England recommended unanimously that the old poor law machinery be abandoned and a new public assistance authority be created. This year, 1918, in the midst of England's most costly war, this plan has been actually carried out and the new plan comprehends all forms of relief and special provision for dependents and defectives.¹

Our new Mothers' Assistance legislation, haphazard and unstandardized though these efforts to meet the needs of fatherless families through public action have seemed, has nevertheless these significant effects: definite opportunity is offered to the state to discover the causes of the untimely deaths of the fathers, at the very time of their greatest usefulness to society, industry and the family; also, the chance is given to estimate the cost to the state of preventable deaths of the breadwinner and the loss entailed by the subsequent dependency of the helpless family.² With these facts as a basis for further action mothers' pension legislation should soon be taken over as an integral part of the larger and more constructive plan for social insurance.³ Yet even under such a system of state organization a certain number of young fathers will continue to die untimely deaths, leaving their families unprotected by any form of insurance and in need of organized assistance.

When the average individual hears the term "widow" if he does not think of the fictitious person named to obstruct any economic reform, there instantly flashes into his mind a type picture of the "poor widow" of sentimentalism: a frail, hard-working devoted

¹ Bruno Laaker, "The Death Blow to England's Poor Law," *The Survey*, Feb. 23, 1918, pp. 563-564.

² Report of Special Inquiry Relative to Dependent Families in Massachusetts Receiving Mothers' Aid, 1913-17, Senate No. 244, pp. 77-141.

³ Final section of report on work of Mother's Assistance Fund in Pennsylvania, pamphlet of State Board of Education, in press. See also, Commons, J. R., and Andrews, J. B., "Principles of Labor Legislation," pp. 406-409.

mother, bending over a wash-tub and surrounded by a large group of hungry children. While there are no more innocent and pitiful sufferers from our unorganized social system than the widow and orphan, social workers know that there are as many kinds of widows as there are kinds of women. At one end of the line is the capable mother who will make any sacrifice to keep her children with her and rear them in decency and comfort; at the other, the weak or vicious woman who will exploit, neglect or abandon her children on the slightest pretext.

For the purposes of this paper the family with adequate financial resources is not considered; nor is the one where deterioration in the values of family life (whether due to environmental causes or individual defect) has compelled the breaking up of the family to save the individuals that compose it. The following discussion is limited to those fatherless families, where, with adequate income, the children bid fair to become normal useful citizens under their mother's care.

Whether relief to a fatherless family is administered through a public or a private medium, there are certain prerequisites of assistance which all agencies endeavoring to follow modern methods of social service have established. Investigation should not stop—as all too frequently in the past,—with the proof of the fact and degree of need of the family. A full consideration of the financial resources available in the way of help from relatives, property or money owned by the widow, her own or her children's ability to contribute without harm to the support of the family is of course essential. But the value of the family life measured through a consideration of the mother's mental, moral, and physical fitness to bring up her children must also be determined by investigation. Assistance should not be given in families where the mother is mentally unsound or defective, morally weak, or physically unable to give the children decent home care. Finally, investigation should show the basis of a plan for the future welfare of the family. After the decision to grant assistance is made, the social case treatment of the family should be organized about this plan.

In any family the elements of normal life are disrupted by the death of the breadwinner. His loss is more than the loss of a pay envelope. At this stage of the social and economic development of woman the removal of the father of the family is apt to have a

very serious effect upon the family's solidarity. His loss is felt in the making of plans for the spending of the income effectively as well as in the loss of the income itself. There is great need of his discipline and advice in the training of the children, especially in the case of growing boys. In certain foreign groups particularly, where the status of woman is regarded as so much lower than that of man, it seems almost impossible for a mother no matter how devoted and earnest, to control and guide her restless, adolescent son. Often, too, the father has been the one to attend to such business details as the payment of rent and insurance dues, the one to arrange for necessary medical care for the children. The father also gives the family a certain social and economic status in the community through his relation to labor organizations, employers, and politicians. His advice at the time the children begin to enter industry and to choose occupations for themselves is usually sorely needed. To supply all these weaknesses in the family life is the task of the social worker who administers relief to the family and supervises their welfare.

In many ways the fatherless family offers the ideal group for a demonstration of the value of social case treatment provided that the assistance given is adequately and wisely planned. The Home Service of the Red Cross bases its strong claim to serve the families of soldiers and sailors on similar grounds.⁴ A growing family of normal children offers every opportunity for constructive study and guidance. The mother is free from the strain of child bearing and as the children grow older can give more attention to the development of family life. The fact that the income is adequate and steady and not open to fluctuations due to unemployment, illness of the breadwinner, or personal weaknesses on his part such as drunkenness and brutality, enables the mother to gain habits of foresight and thrift that she has perhaps never been able to develop before. A study of the social records of families adequately assisted and well supervised shows that in many cases a rise in the standard of living of the family has actually been achieved. Certainly there can be no more satisfying result in social case treatment than the "graduation" of a widow's family into complete independence, with fuller social contacts, good educational grounding, and a well-rounded family life.

After investigation has established the fact and degree of need

⁴ A. R. C. 201 "Manual of Home Service." Second edition, pp. 13-46.

of the family, discovered all available and legitimate resources to meet that need, and found that the mother is mentally, morally, and physically fit to perform her normal duties to her children, the first step in the plan for future supervision is the consideration of a sound financial basis on which the family should be maintained. Unfortunately it is still true that most fatherless families do not come to the attention of any social agencies, public or private, until some time after the death of the man. This period is almost sure to be one of family deterioration. The strain of the father's illness and death, the pressing need of the necessities of life, the demands on the mother's time and strength from her effort to support the family and maintain the home all tend to involve her in difficulties that she could not surmount alone. Through the widow's short sightedness or total ignorance of the world of business, the insurance money slips in a few weeks through her fingers. Dozens of instances can be described by social workers where a designing "friend" of the husband has taken advantage of the widow's ignorance to appropriate the larger part of the small lump of insurance, or where well-meaning neighbors or friends have given her just the kind of advice most certain to deplete her little fund. The usual bad investment of this sort is either the buying of a home under a heavy mortgage in a congested or neglected neighborhood, chosen with no consideration of sanitation, neighborhood conditions, or nearness to work and school; or the expenditure of the few hundred dollars for stock for a little store. In hundreds of such instances the stock has soon been sold; there is of course no capital to replenish it; and finally the little store closes and the family's small reserve fund vanishes with it.

It is surprising to social workers to find how frequently women have not been allowed by their husbands to handle money even for the household needs. Obviously it takes a certain amount of foresight to save ahead for the rent and insurance and even more to realize that furniture or other household necessities bought on the installment plan are not a good investment. Before working out a budget of living expenses for the family, the case worker usually must spend some days in discovering what the family's liabilities are, and in straightening out a tangle of unpaid bills, lapsed insurance policies, and installment charges.

After the existing economic resources of the family are dis-

covered, the next consideration involves deciding which of these are legitimate assets that can be counted on for the future, and which part of the income should be cut off or decreased for the well-being of the family. In many states the law determines the maximum amount of property and money a widow may have and still be eligible for assistance. There is some difference of opinion and legal provision on this question, varying, for example, from the law in Illinois where a mother is disqualified for assistance if she possesses any property and money, to California, where a maximum of five hundred dollars in cash and a thousand dollars in property is allowed. The consensus of opinion seems to be that some equity in property, provided it is the widow's own home, tends to add to the self-respect and thrift of the family and to keep them in the neighborhood and town where they have become established and where all their natural social contacts have been made. The sacrifice of a home to most people brings great discouragement and the feeling of loss of social standing. Then too, many instances prove that it would have been actually cheaper to assist a mother who owns her home, provided the home was suitable to the family's needs and not deteriorating in value, than to insist that she sacrifice it at a forced sale only to become a heavier charge on the community later.

In the matter of money in the bank, since for the sake of economy in the distribution of available funds the amount of the monthly grant must be based on a necessity standard of living, a little surplus is invaluable for meeting emergencies of sickness and accident that constantly arise in a family of young children. This small reserve sum, however, should never be regarded as a source of income to be drained gradually through an inadequate grant; and the understanding with the mother should be that it is only for emergency needs. Yet there is no doubt that its possession adds to her feeling of independence and security from want.

In considering the question of relatives as a source of income the tendency seems to be for public agencies to take a different attitude from that held by private societies. If relief is given by a public agency the attitude of the community usually is that a widow's relatives like other citizens of the state are contributing to her need through taxes and, except where the law holds them legally responsible for her support, that they have a right to claim exemption from that responsibility. There are of course many cases in which rela-

tives, not responsible under the law, have willingly shared with a public agency a part of the economic burden of the family. The insistence of private agencies on the fullest possible aid from relatives is founded on the belief that only through the enforced sense of mutual responsibility can family solidarity be maintained, and that loyalty to one's own kin is a human value which must not be allowed to go to waste. Whether such human values are actually enhanced by insistence on financial help from relatives already struggling to make ends meet is open to question.⁵ There is no question, however, that the financial and social status of the relatives should be determined and their help, particularly in other than financial ways, enlisted for the family.

One of the first methods of increasing income to which the needy widow turns is the keeping of men lodgers. Through bitter experience over many years and with a large number of families, social workers are unqualified in their disapproval of this method of adding to the income. Aside from the fact that the presence of any stranger has a disrupting effect upon the family life there are many general considerations that render the policy a bad one. The effect of the men's influence on the growing boys is often bad, the difficulty of making decent sleeping arrangements in a small house, and the actual danger of physical violence to the woman or the little girls in the family must be considered. Quite often companionship and propinquity lead to intimacy; and illegitimate children make the family problems more difficult. Even close supervision cannot ward off these dangers. In the case record of a family which has been under the supervision of one of the best private agencies in the country since 1911 we find the following significant entries:

10/2/11, Widow a particularly sweet, appealing person. Children clever and most attractive. On account of high type of woman it seemed safe to allow her to keep her three boarders. They are a good class of men, interested in the children and helpful with them. When the children need treatment, Nick, one of the boarders, takes them to the hospital.

10/20/13, State Dispensary reports that they suspect pregnancy. This was confirmed later by a private physician.

2/17/14, Henry, 12, removed by Juvenile Court.

5/2/14, Tony, 10, removed by Juvenile Court.

7/7/16, Polney, 10, removed by Juvenile Court.

⁵ See discussion "A Misplaced Burden," *Charities and the Commons*, Oct. 13, 1906, p. 118. See also I. Rubinow, "Social Insurance," pp. 313-315.

According to the other entries in the record this family shows a slow but steady deterioration. If a firm stand on the lodger question had been taken in the beginning, immediately after the husband's death, it is possible that the breakdown might not have occurred.

Another usual source of income for the family and one to be considered most carefully is the mother's own earnings. In judging whether or not a mother receiving assistance should contribute to the family's support, exactly the same considerations should hold that govern any mother's decision about work outside the home. That is, the question of whether she should add at all to the family income and to what extent, should be decided by a study of the age and number of the children, the condition of the mother's health, the provision of care for the children during her absence, and also her own inclination, capacity and past habits. No intelligent plan about the mother's work can be made unless the amount which she adds to the family budget be regarded as of secondary importance to these other determining questions.

Study of the industrial conditions of working mothers has shown that the large majority are employed in unskilled, unstandardized work at the lowest wages and for the longest hours.⁶ Office cleaning seems to be the work usually condemned by social workers for the mother of young children on the ground that it is extremely fatiguing and comes at just the time of day, morning and evening, when she is most needed by the children. Of course, a busy mother, who works at night, finds it very difficult to get the proper amount of sleep during the day and at the same time perform her household duties and give her children the proper care. There is also a frequent temptation to the fatigued mother in going through the streets in the cold and dark to take a stimulant or make undesirable acquaintances. The fact that even trained social workers are sometimes strangely blind to the dangers involved in permitting the mother to do this kind of work is shown in the following extracts from the case record of an assisted family:

Mother with 6 children, ranging from 15 months to 9½ years.
6/5/15 M. working at K. & B. Dept. store 4 hours every evening. Receives \$1 a day.

⁶ Katherine Anthony, "West Side Studies: Mothers Who Must Earn." R. S. F. *Survey Associates*, June, 1914, p. 153.

1/18/16, Visitor found a man sitting at the kitchen table in the evening. Said he lodged in the same house and watched the children evenings while the mother worked.

3/29/16, Petition filed in Juvenile Court. Children neglected. Mother illegitimately pregnant.

While other factors than the mother's night work probably contributed to the deterioration of this family it is clear from the entries in the record that it was the chief cause. If it is necessary and desirable that the mother supplement the income, the consensus of opinion seems to be that sewing, fine laundry, or the care of other dependent children are more desirable than the usual forms of work because these occupations do not demand fixed hours of labor, and can be carried on at home while she is attending to her family's needs.

The question of the contribution of working children to the family income is one that can be summarized briefly. In order to increase the family income, no child should be forced into work prematurely, or under conditions that jeopardize its health or future development. It is equally true that a child should not be permitted to contribute more than a reasonable amount of its wages to the support of the family and should not be made to feel that the family is dependent on its earnings to an undue degree.

After the family resources in property and money, financial help from relatives, and ways in which the mother and children may safely add to the family income are considered, the question of the budget on which the family may be expected to maintain a good family standard must be decided. There is no doubt that continuous and adequate relief can be used as a lever to lift family standards of living, and that it is not money aid in itself but the method of administering it that may do harm. One of the arguments against public assistance is that it lacks the elasticity of private relief and cannot easily be adapted to the changing needs of the family. But this is equally true of the weekly wage of the father, and the average family must plan on a fixed sum. The feeling of security which a fixed monthly or weekly allowance gives to a widow enables her to develop those qualities of foresight and thrift by which she may plan ahead for the winter's coal or the next month's rent.

So much scientific and detailed work has been done on budget planning for assisted families that it is unnecessary to describe it here.

The one basic principle, however, is that the amount granted, if expended with reasonable care, must be adequate to ensure maintenance of health, working efficiency, and a good standard of family life.

It is no exaggeration to say that there is hardly a family applying for assistance in which at least one member does not show signs of malnutrition or disease. In the mothers the strain of child bearing, overwork, worry and enforced neglect of the simplest rules of hygiene have often resulted in chronic functional disorders or in conditions requiring surgical care; varicose veins, gynaecological and digestive disorders, flat feet and cardiac trouble are ailments common to these mothers. Among the children, disorders due to neglect and under-nourishment are prevalent and there is great need for the medical treatment of skin diseases, throat conditions, anemia, eye strain, and other disorders that may result in serious retardation in school and later in industrial efficiency. To meet these health needs the aid of private physicians, hospitals, convalescent homes and sanatoriums must be enlisted.

In outlining a plan for supervision for a fatherless family it is well to decide what changes in the family life should be made at once. Even if emergency aid only is given for a few days, it is often wise to withhold regular assistance until a child who has been illegally employed is back in school, the man lodger eliminated, and in some cases until a member of the family in urgent need of medical care is actually under treatment. When regular assistance begins, the mother's hours of work should be changed at once to meet the plan for proper home care of the children. Other changes, such as the improvement in the school records of the children, training the mother in budget keeping, and securing dental care for the family, may require months of regular visiting and patient effort.

In this attempt to ensure the progress and welfare of the family it is perhaps unnecessary to say that the advice and help of clergymen, school teachers, former employers and relatives are needed. Other social agencies can often render the special kind of service that is required to fit some particular need. A housing association may be consulted about a sanitary home in a good neighborhood; a visiting nurse called in if there is sickness in the family; a vocational guidance bureau requested to advise the children as they approach working age; the interest of a settlement or commun-

ity center enlisted to secure recreation and wider social contacts for the family.

The reading of a considerable number of records of assisted families in several cities that had been under the care of either a public or private agency showed that there are still valuable opportunities in supervision that have hardly been touched. In many cases the influence of the personality and ideals of the dead father is a vital factor in the family life, yet only in isolated instances was there any reference to his plans and ambitions for his children. While many records show an attempt to regulate the hours and working conditions of the mother, there were practically no instances where she was offered the opportunity of training for more highly skilled and better paid work. In view of the fact that she is usually quite young and will often be obliged to contribute to her children's support for many years to come, it would seem a wise economy to consider this possibility of increasing her earning power. While the children are often put in the way of obtaining healthful pleasures and forming helpful friendships, the same need in the life of the mother is not considered. In one agency a special effort was made to encourage the mothers of assisted families to join mothers' clubs, attend night school, and seek some social connection outside the home. A study of one hundred records of this agency showed that at the time the grant was made eighty-five of the one hundred mothers were highly nervous and depressed. After the families had been supervised and aided for a year only fifteen of the eighty-five had failed to become cheerful and self-controlled. Certainly this remarkable change must have been due to some extent to the social contacts the mothers had made.

Assistance and supervision of fatherless families under existing community organization can only be rendered successfully by trained social workers; but in most communities there is not only no developed social consciousness, but no one who knows the technique of social service. It is clear that a full measure of state supervision and state aid is badly needed in all such communities. A social reform measure, introducing an intricate new mechanism, but left to the isolated local community to administer, is doomed to inefficiency. Payment for adequate investigation and supervision in most communities must be made out of state funds, and be under state control if the work is to be successful.

It has been repeatedly pointed out that the only just way to solve the problem of the widow and orphan is to reduce their number by seeking to keep the wage-earner alive. The really preventive remedy here is social insurance. The insurance principle makes premature deaths expensive and so tends to reduce their number. The insurance method is also effective in making it possible for the wage-earner to provide for his own wife and children in case of his death, without leaving them to be cared for by any relief agency, private or public.

The theory and even the practice of the mothers' pension work are more closely identified with public relief than with the preventive measure of insurance. It provides state grants for dependent families, on proof of destitution, for the purpose of enforcing a measure of state guardianship over the health and education of its wards. As has been shown, emphasis is placed on moral considerations as well as financial need. Where it has been successfully administered it represents a new and fine piece of public machinery, made effective by its use of the approved methods of private agencies. With the thorough-going social reform that is likely to follow the war, and which is in fact already under way in England, our antiquated poor laws will be done away with. The unemployed, the old, the sick, the invalid, and the widow and orphan as well, may soon be cared for democratically by social, or contributory, insurance. Yet even under such an advanced social organization there will still be a residuum of individuals and families requiring social case treatment. It is to be hoped that out of America's significant new experiment in public charity—the mother's assistance work—may ultimately come a superior piece of public relief machinery replacing the old and discarded outdoor relief, and embodying all the principles of case diagnosis and treatment that have been worked out so carefully by the private agencies in the past.

DESERTION AND NON-SUPPORT IN FAMILY CASE WORK

By JOANNA, C. COLCORD,

Superintendent, New York Charity Organization Society.

LEGALISTIC CONCEPTION OF DESERTION

An examination of the existing literature on family desertion brings to light surprisingly little regarding the problems it presents to the social case worker. There have been several statistical studies of its occurrence, and innumerable discussions of its treatment from the legal side, but the case worker in search of technical advice and direction browses over a wide field with comparatively small result. This is probably due to the fact that the rise of the domestic relations courts in late years has tended to turn the thoughts of those interested in the problem toward the legal and judicial remedies which are being developed. It may further be due to the fact that workers in the field of adult probation, who constitute the specialized group of case workers most directly interested in family desertion, are still breaking new ground and have not as yet been able to make the contribution to the literature of the case work movement that we may confidently expect to have from them in the course of the next few years.

Whatever the cause or causes, it seems true that desertion is generally written about as a breach of the law, to be dealt with through the correctional agencies of the community. This is not so much an erroneous as a distorted view of the problem. It fails to take into account the loss and wastage in human life, and emphasizes rather the financial burden of dependency which is laid upon society. Both elements of course exist, and must be recognized no less by lawyers and judges than by social workers in any effective program for the treatment and prevention of desertion.

It may as well be admitted that the hopes which social workers entertained at the beginning of the domestic relations courts movement have not been in all respects realized. What the social worker hoped for was an institution which would administer justice based upon the principles of social case work; but while much has been gained, we still fall far short of this. The law still insists upon

regarding the important element in family desertion to be the deserter's evasion of his financial responsibility and the rendering of his family a public charge. That there can be degrees of culpability in the deserter, aside from the financial question, is not always apparent to the legal mind. The chairman of a case committee, a lawyer, and one of the most large-hearted and compassionate of men, maintained that the graver fault of a young deserter who had left his wife and two infants penniless in a strange city, while he went on a three-weeks pleasure trip, lay in the fact that he had embezzled fifty dollars from his employer to finance the excursion!

There is still much confusion as to the location and extradition of deserters, and in most cities the burden of finding the missing husband and serving the summons upon him is still unrelentingly placed upon the shoulders of the wife. Extradition from without the state is made difficult by lack of appropriations, and by the indifference of district attorneys who feel that no good end is served by bringing a man back on a felony charge to serve a prison sentence, on the ground that "he will be of no more use to his family here than there." A study made by Mr. William H. Baldwin of prison terms served by returned deserters indicates that these are not usually long enough to act as a real deterrent. Indeed, so involved is the question of extradition, that one sympathizes with the bewilderment of the social worker in New York, who said: "As far as I can see, if a man deserts and goes across the ferry to Jersey City he is guilty of a felony, but if he gets as far as Buffalo he is only a disorderly person!" Another anomaly is that contained in the proposition that the wife can claim abandonment only on behalf of her children. A man living with his wife and five-year-old boy in an eastern city, eloped with another woman to a city in the middle west. The couple kidnapped the boy and took him with them, and the distracted mother, bereft of both husband and child, had no recourse in any court, since the father was continuing to provide for his son.

These are instances, however, of shortcomings in the law rather than in the technique of dealing with desertion by correctional means. Under the latter heading, unsatisfactory results are most often to be ascribed to the reliance which some of the courts still place upon the contrasted statements of the husband and wife, supported it may be by the testimony of their respective friends. To the legal mind it may seem an heretical statement, but the social

worker is convinced that testimony concerning family desertion which is drawn out in court, and unsupported by any careful social investigation by a trained worker, is often worse than useless. The causes of this particular form of family breakdown are often too obscure to be apparent to the persons immediately concerned, even if both are honestly trying to give a straight account, and if one or both are not making such effort, the advantage goes to the side that can put up the better story. When a sufficient number of well-trained probation officers are attached to the court to make the necessary preliminary investigations, this danger does not exist; otherwise it is always present. There is something about the factors involved in desertion cases, that seems naturally to arouse the prejudices of the individual who deals with them. Women social workers are notoriously prone to take the part of the woman without giving the man a hearing in cases of marital difficulty; employers are equally likely to feel that there is much to be said on the man's side, especially if they have never seen the wife. The only way in which this perfectly human tendency can be corrected, is either to make or have made for one a careful, skilful and painstaking inquiry into the real facts of the case, obtained from as many well-informed and disinterested sources as possible. In other words, until the courts which deal with social problems like desertion and non-support will consent to abandon their traditional dislike for "hearsay evidence" presented and gathered by social workers, they will fall short of administering the highest quality of social justice.

SOCIAL CONCEPTION OF DESERTION

The effect of centering the treatment of deserters and their families in the courts has brought about, even in the mind of the social worker, the feeling that they constitute a class by themselves, presenting problems different from those of other families, and calling for an entirely different technique in their handling. Dr. E. W. Eubank, who has recently made a careful survey of the problem in Chicago and other cities of the United States, makes as one of his leading recommendations the suggestion that social agencies dealing with families, attempt, so far as possible, to center the handling of desertion cases in one person or department. There is room for a good deal of difference of opinion on this point, and its advisability may well be questioned for more than one reason. While a certain

facility is gained through having the dealings with the courts, district attorneys, etc., in the hands of one or a few people, the plan necessarily prevents other members of the staff engaged in general case work from the opportunity of handling the whole problem in desertion cases. Furthermore, it only confirms and extends the tendency to regard deserters and their families as a class apart.

The experienced case worker knows that desertion is in itself only a symptom of some more deeply seated trouble in the family structure. It constitutes a "presenting symptom" which does, indeed, indicate some one of a few specified forms of treatment at the outset, but which also involves all of the foresight, patience and skill which the social case worker knows how to apply, if any sort of permanent reconstruction is to be accomplished. Behind a man's abandonment of his home and family there is sure to be a wide variety of causes, some external and easily to be recognized; others rooted deeply in the subconscious instincts and aversions of the people concerned. What these individuals are able to tell is often strangely petty and inadequate without the interpretation which applied psychology is able to give. One man stated that what gave him the final impulse to leave home was his wife's filling his bed with ashes. As legal evidence, this would seem ridiculous; to the social worker who had studied the two temperaments closely, it was an interesting and significant detail.

In this way a great number of widely different family problems seem to be superficially alike only because the breakdown has become so acute that the actual physical disruption in family life has begun. The case worker recognizes that while the absence of the man involves certain difficulties in the finding of him and in the possibility of getting information from him, the case problem which he and his family present is not essentially different from what it would have been before his departure if the problem could have been recognized and brought to her attention earlier. She recognizes that the causes of desertion are as numerous and varied as the causes of poverty, if these could be ascertained, and that they are likely to be even more subtle and difficult of appraisal. Many influences from without are impinging on the home and the family at the present time to bring about a slackening in the bonds which hold it together. Considering the unrest and unnatural stresses and strains of urban life, the wonder probably is that desertion has not increased more rapidly than it has.

Keeping in mind all this, the case worker sees desertion as only an acute form of the symptoms of weakened and crumbling family life. She is unwilling to accept the common theory which divides the treatment of desertion into two fields: one, the location, apprehension and punishment of the man through the courts, and the other, the charitable relief of his family during the process. Instead, she holds that the technique of the case treatment of the deserter and his family is no different in essentials from social case treatment in general except perhaps in the one particular of locating the absconder. She does not believe that reconciliations can be brought about by short-cut methods. Most social workers have a deep-seated distrust, not of the principle that a function of the domestic relations courts is to bring about such reconciliations, but rather of the way in which such efforts have been made in connection with many of them. The wholesale attempt to patch the tattered fabric of family life in a series of hurried interviews held in the court room, and without any information about the problem except what can be gained from the two people concerned, can hardly be of permanent value in most cases. It is natural that case workers, keenly aware as they are of the long, slow, and difficult process involved in character-rebuilding, look askance at court-made reconciliations. With the best will in the world the people who attempt this delicate service very often have neither the time nor the facts about the particular case in question to give the skilful personal service necessary to reconstruction. As a result many weak-willed wrong-doers are encouraged to take a pledge of good conduct which they will not, or cannot, keep; and other individuals who feel themselves deeply wronged go away with an additional sense of those wrongs having been underestimated and of having received no redress. The results are written in discouragement and in repeated failures to live in harmony, each of which makes a permanent solution more and more difficult. The case worker to whom the results of the externally imposed reconciliation come back again and again has reason to be confirmed in her distrust of short-cut methods. In order to demonstrate which contention is right there is great need for a careful study, made one or two years after the reconciliation has taken place, of a large group of couples, the solution of whose troubles has been attempted in this way. Unless there should be supervision for a considerable period by a

skilful and resourceful probation officer all experience points to the conclusion that the percentage of permanent reconciliations would be low.

SOCIAL CASE TREATMENT OF DESERTION

While it is true that the deserter and his family present no unique problem to the case worker, it is nevertheless true that certain adaptations in case work technique are usually advisable and that certain points must be especially kept in mind in the course of the investigation.¹ Disparity of age, of race or nationality and of religion are significant factors when they are found in connection with this form of family breakdown. Not less important is a conception of differences which may exist between the couple in the matter of education, habits, social status and moral and ethical concepts. A history of the background of the man and the woman from childhood on, keeping all these factors in mind, is essential to an understanding of the problem. One extremely important fact to have in mind, and one which should be proved or disproved where possible in connection with every desertion case by means of records of vital statistics, is whether or not the marriage was a forced one. There can be little doubt from the experience of case workers that people who contract this type of marriage later find their way in large numbers to the courts of domestic relations. A piece of research quite as desirable as the investigation of quick reconciliations recommended above, would be a study of the married life from the point of view of the community of several hundred families in which a forced marriage had been brought about through the urging of relatives, the church, the court, or those social workers, now diminishing in numbers, who still believe that to legitimize the child and to "give the girl a name" are desiderata sufficiently important to justify forcing together against their inclination the prospective parents of more children.

In the treatment of desertion and similar problems the sex factor is, of course, an extremely important one. The tendency of most social workers is either to ignore this as largely as possible or to theorize about it to such an extent that it serves, as with the Freudians, for an explanation for every phase of human behavior.

¹ See questionnaire on *The Deserted Family*, "Social Diagnosis," by M. E. Richmond, p. 395.

It is on the whole safer to embrace the first alternative than the second, but the best work in the handling of desertion cases will be done by the person who neither shuts his eyes to this phase of the matter nor unduly emphasizes it. The majority of social case workers are unmarried women under forty, and in this particular respect they frequently find themselves handicapped by the natural reluctance of the deserter to discuss his conception of the marital relation in such a way as to be enlightening to them, as well as by the chivalrous attitude which the married woman of the tenements often adopts toward her unmarried visitor. The decisive statement "You have never been married so you cannot understand" often proves at least a temporary barrier in dealing with deserted wives just as the similar statement "You have never been a mother so you cannot know the feelings of one" is used to block her efforts in another direction. If it is found impossible to carry on the necessary discussions rationally and without too serious embarrassment, it is often possible to call upon the socially-minded physician or clergyman for help along this line.

This, of course, presupposes that the man in the case has been located and can be interviewed; but the fact that in the majority of cases of desertion this cannot be attained without great difficulty is in itself the most serious handicap which the case worker meets in the treatment of desertion. In the location of absconding husbands undoubtedly the greatest single contribution has been that made by the National Desertion Bureau, a private organization which specializes in the location of deserters of the Jewish faith. Its use of widespread newspaper publicity, including the publishing of photographs of missing men, has been widely imitated by other social agencies. In locating absconding husbands it is more than usually important to learn accurately facts concerning their trade connections, membership in social organizations, employment records, etc. Foreign language newspapers are usually willing to print personal inquiries, or even photographs, and trade journals have been successfully employed in the location of even non-union men connected with the trades. The Post Office Department, if convinced that the public welfare demands it, might be induced to entrust reputable social agencies with forwarding addresses. If the husband has deserted for financial reasons, or has left home as the result of a quarrel, his location is a much easier matter than if there

is reason to believe he has absconded with another woman. Although the clues are in this instance doubled since two persons are involved, the pains taken to elude detection are usually greater.

Under ideal police conditions all this ground work of tracing deserters could be done by detectives, who already secure from the post office and all the other sources mentioned, information that furnishes clues. After the man is located through coöperation between the detective bureau and the case worker in charge the man can be interviewed by her or her correspondent.

In the attempt of social workers to locate missing husbands they are somewhat at a disadvantage. The general tendency to believe that the man is invariably in the wrong, and the policy of arresting him first and perhaps letting him explain afterwards, make even a man who has a good deal of excuse to offer for his course, reluctant to permit himself to be communicated with. Case workers are now beginning seriously to question whether in the long run the best policy is not after all to interview the man, or to have him interviewed and to give him an opportunity to state his side of the case before causing a warrant for his arrest to be taken out. The attempt to do this will sometimes result in a second disappearance, but if the man's return can be accomplished voluntarily there is many times the basis upon which to build. The deserter, or at least the first-time deserter, must not be prejudged without a hearing. In spite of the discouraging average of desertion cases, this particular man may not be in the average class, and in that case it would spell injustice both to him and to his family to treat him as though he were.

Some years ago a charity organization society, which maintained a special bureau for the treatment of desertion cases, was asked by a Mrs. Clara Williams to help her find her husband, John, who had left her some years previously and was living with another woman, so that she might force him to contribute to the support of herself and her two children. Mrs. Williams² was a motherly appearing person who kept a clean, neat home, and seemed to take excellent care of her children. She was voluble concerning her husband's misdeeds and very bitter toward him, which seemed only natural. The fact of the other household was corroborated from other sources, and Mr. Williams' work references indicated that he had been quar-

² These names are fictitious.

relsome and difficult for his employers to get along with, although a competent workman. The problem seemed to the desertion agent a perfectly clear and uncomplicated one and he proceeded to handle it according to the formula. Some very clever detective work followed, in the course of which the man was traced from one suburban city to another, and his present place of employment found in the city where his wife lived, although he lived in another state. The warrant was served upon the man as he stepped from the train on his way to work, and he appeared in domestic relations court. He did not deny the desertion but made some attempt to bring counter charges against his wife. When questioned about his present mode of living he became silent and refused to testify further. He was placed under bond, which was furnished by the relatives of the woman with whom he was living, to pay his wife \$6.00 a week. No probation was thought necessary and the case was closed, both the court and the charity organization society crediting themselves with a case successfully handled and terminated.

About a year later Mrs. Williams again applied, stating that her husband's bond had lapsed, that his payments had ceased, and that she had no knowledge of his whereabouts. Although her home and children were still immaculate she failed to satisfy the social worker who this time visited her home with the plausible statements which she had made before. The children's health was not good and they seemed unnaturally repressed and unhappy. Ugly reports concerning Mrs. Williams' drinking habits came to the society. The school teacher deplored the effect which the morbid nature of Mrs. Williams was having on her youngest child, a daughter just entering adolescence. The son, a boy a little older, was listless and unsatisfactory at his work, and defiant and secretive toward any attempt to get to know him better. He spent many nights away from home and was evidently not on good terms with his mother. As soon as Mrs. Williams saw that real information was desired she began indulging in fits of rage in which she displayed such an exaggerated ego as to cause some doubts as to her mentality. Baffled at every turn the case worker decided to see the man, if possible, and have a long talk with him to see if through him any clue to the situation might be gained. The first step was to gain the confidence of a former fellow-workman and friend of his who now maintained his own small shop. This was done after several visits, and upon the

social worker's solemn promise "not to have a policeman hidden behind a tree" the deserting husband consented to an evening meeting in his friend's shop. A most illuminating interview followed. Mr. Williams was found to be an intelligent though melancholy and self-centered man. The couple had married somewhat late in life, it being Mrs. Williams' second marriage. She had been strongly influenced by her mother to marry him and had never had any real affection for him. It became very evident from his story that the strongly developed egotism of both the husband and wife had made a real marriage impossible between them, and the visitor became convinced of the genuineness of Mr. Williams' protestations that he endured the constant abuse and ill-treatment of his wife as long as it had been possible to do so. As her drinking habits took more hold upon her and he had realized that the break was coming he had endeavored to place the children in homes, and had once had his wife taken into court where her plausible story and good appearance resulted in the case being dismissed with a reprimand to the husband. He then left home but continued to send her money at intervals, although as he got older he was able to earn less at his trade. Socialism was his religion, and it was his preaching of this doctrine in season and out to his fellow workmen which had earned him the ill-will of his employers. He defended his present mode of living vigorously, putting up a strong argument that it was a real marriage, whereas the other had only been a sham. He spoke in terms of affection of the woman who was giving him the only real home he had ever known, and only wished that the state of public opinion would permit his taking his young daughter into his home. The boy, he realized, had grown entirely away from him and they could never mean anything to each other. It was his habit to make frequent trips back to the region where his family lived in order that he might stand on the corner and watch his children go by. He gave readily much information about his own and his wife's past connections, including the addresses of many of her relatives whose existence she had denied, and he successfully proved that her claims as to his lapsed payments were false by producing the entire series of post office receipts covering his remittances to her and extending down to the very week of the interview.

It is true that this is not a "typical desertion case" such as Miss Brandt describes in her study of deserted women, but is it not

equally true that the handling of this one case problem according to legalistic and juridical formulae meant a real miscarriage of justice and the possible sending to shipwreck of two young lives to follow the old? It is experiences such as these which have confirmed in the case worker a determination to avoid formulae and to treat each case problem, in so far as possible, as something entirely new.

DESERTION IN RELATION TO THE COMMUNITY

It must not be denied that there is basis for the contention that just as a community can regulate its own death rate within limits, so it can by repressive measures regulate its desertion rate. The sort of prevention, however, that keeps the would-be deserter in the home which constantly grows less of a home, simply through fear of the consequences if he left it, hardly seems so desirable from the social point of view as that form of prevention which would provide for such homes and families the wise, skilled and sympathetic treatment which is the ideal of social case work. There are no figures to show that either method has been sufficiently brought into play in any one community to bring about any marked change in the number of desertions. Dr. Eubank in preparation for his pamphlet, circularized charity organization societies in a number of cities and got widely different opinions as to whether desertion was on the decrease, was stationary, or was on the increase. These were merely opinions and not the result of statistical studies. In New York City, Dr. Devine made a study of five thousand cases known to the Charity Organization Society in the years 1906 to 1908 and of this number exactly 10 per cent were deserted wives. Ten years later, in 1916, a somewhat similar study was made of three thousand families known to the same society in the course of that year. The percentage of deserted wives was found to be almost the same, namely 9.9 per cent. The statistics of the New York Charity Organization Society for the last year show 492 deserted wives out of 4,204, or about 11.7 per cent. This nearly stationary percentage over the eleven-year period is probably only a coincidence as these particular ten years have seen marked population changes as well as the establishment in the city of a Domestic Relations Court, the Bureau of Domestic Relations and the National Desertion Bureau. It may, however, be taken to indicate that the type of desertion which leads to dependency is not markedly on the increase.

Echoes which have reached us already from Europe point to great and sweeping changes in the conceptions of family life which are likely to result from the great war. Inevitably our own standards must be affected since we are learning that not only in a political sense is it true that the lives of all the nations are one. Home Service workers are recognizing that no small part of their task is to help keep strong and firm the bonds which bind the soldier on another continent to his family on this. Perhaps never before has there been the need for careful study and alert watchfulness on the part of the social workers in this country, so that the changes which come are not unanticipated. No one group in the community, surely, is in better position to bear testimony as to the strength and weakness of family life, the changing conceptions regarding it, and the strains and stresses from which it may still be protected.

THE ILLEGITIMATE FAMILY

BY AMEY EATON WATSON,
Chairman, Philadelphia Conference on Parenthood.

In the following discussion, the phrase "the illegitimate family" is used deliberately. Hitherto our attention has been very largely confined to the illegitimate child and its mother and we have ignored the fact that there is in every case a *family* involved, father, mother and child or children, and that they must all be considered before any adequate plan can be made *with* them. True as it is that in the eyes of the state no family has been formed, yet it is equally true that biologically the child has a father as well as a mother and it is being realized more and more clearly that socially too the child has a father with definite responsibilities and privileges.

This point of view goes hand in hand with the scientific attitude toward the illegitimate mother which instead of destructively condemning or scorning any woman who has brought a child into the world without the legal sanction of her group, rather seeks to understand the underlying causes of heredity and environment which have brought her (and likewise the father of her child) to the illegal conduct in question. Illegitimacy is the result of biological, psychological and social causes following definite scientific laws and there is a responsibility of the community as well as of the individual for its occurrence. So firmly has this point of view become fixed in our thinking since Leffingwell's consideration of it in 1892 that there would be no value in emphasizing it here, did we not find the old point of view lurking in the otherwise excellent "Questionnaire Regarding an Unmarried Mother," by Mrs. Ada Eliot Sheffield.¹ Here the term "her shame" would seem to indicate on the part of even our most advanced thinkers in this field an occasional lapse to the less scientific and more inhuman attitude of condemnation and reproach. "Moral indignation," says Mr. Britling, "is the mother of most of the cruelty in the world," and J. Prentice Murphy voiced this thought at the National Conference of Social Work in Pittsburgh when he said "Much of what we have done and are doing

¹ M. E. Richmond, "Social Diagnosis," p. 414.

for the unmarried mother in contrast with other mothers is steeped and saturated in a superheated, emotional, pseudo-moral atmosphere and I submit to you the observation that no such atmosphere can really make for helpfulness."²

While this point of view has taken a firm hold of our thinking, it is only just being applied to our case work with the illegitimate family, which is still decidedly in the experimental stage. Case work with the illegitimate family is seeking to work out principles whereby the interests of the illegitimate child and those of both its father and mother may be harmonized with the best interests of society. This end will be secured when the responsibility for the illegitimate child is more evenly shared by the father and mother as well as by the state. The Castberg law of Norway is being watched with great interest by social case workers as probably the most advanced experimentation in this field, inasmuch as it gives to the illegitimate child among other things the right of paternal inheritance, of paternal name and of the standard of life of that parent which is better situated. The Minnesota Children's Code is also advanced in that it makes the state the ultimate guardian of all its disadvantaged children, including the illegitimate, and therefore it is the work of the State Board of Control to institute proceedings to establish paternity or to see that such proceedings are instituted, as well as to seek in other ways to secure for the illegitimate child the nearest possible approximation to the care, support and education that he would be entitled to if born of lawful marriage. Further and better standards of case work in this field must be established by studying experimentally the question of removing the evil effects of the stigma in illegitimacy. Only injustice is done in allowing this to attach to an innocent child and we must get evidence to show us when the welfare of society is furthered by having a stigma placed on one or both parents. Above all, in line with the findings of modern criminology, emphasis must be placed upon the reëducation of the individuals involved, not upon either punishment or stigma.

INFORMATION NEEDED

In gaining the necessary information for a diagnosis in working with any illegitimate family, the case worker, utilizing the same sources of information as worked out for all forms of social diagnosis,

² From an unpublished paper.

must exercise the greatest tact and consideration. She must make unusual efforts to gain the friendship and confidence of the mother; on account of public opinion, the client has undoubtedly been put on her guard, feeling that everyone is against her. Sympathy and understanding are needed to win her and for these reasons it follows that investigation must be gradual. In some cases it will be necessary to find out the most intimate facts of any individual's life, facts which it is often not necessary to inquire into in any other kind of case work. This is all the more reason for going slowly and carefully with deep consideration and with a realization that harm may be done if the client feels that she is being probed or that she is being forced to reveal information which may be used against her or against the father of her child. It must also be realized that many girls may become morbid and an effort must be made to keep their minds off their experiences rather than to allow them to dwell on them. It is vital that our investigation should be thorough, tapping every resource. Failure to learn all possible facts at the proper moment has undone years of effort. The writer calls to mind a case which had been handled by a relief agency with high standards over a period of seven years during all of which time it was taken for granted that the man and woman were legally married and it was only at the end of this time when an illegitimate child was born to the daughter of the family by her supposed step-father that it was discovered that he was not her step-father and had never been married to her mother. Had this been known earlier, precautions could have been taken to protect this girl and this case of illegitimacy might have been prevented. It is particularly important that in all case work marriage and birth records should be consulted among the first sources of information; they involve the telling of no secrets, are entirely trustworthy and should never be neglected.

It is hoped the following outline for a minimum investigation may be suggestive:³

³ The Boston Conference on Illegitimacy has also worked out a minimum investigation which may be obtained from the President, Miss Mary Byers Smith, Andover, Mass. An outline for a maximum investigation has been worked out by the Inter-City Committee of the Boston Conference. See also Questionnaire by Mrs. Ada Eliot Sheffield in "Social Diagnosis" by M. E. Richmond, p. 414, referred to above.

I. The Girl or Woman

1. Her family

- a. Heredity and health of family
- b. Social history of family
 - (1) Occupations
 - (2) Earnings
 - (3) Marital history
 - (4) Type of family life, including size of family, education of both parents, religion, etc.
 - (5) Boarders, lodgers, etc.
 - (6) Relatives other than immediate family

2. Her general history

- a. Date of birth
- b. Place of birth
- c. Race
- d. Residence
- e. Civil condition
- f. Marital history and composition of family, if any

3. Her health

- a. Past history
- b. Present condition
 - (1) Doctor's examination
 - (2) Wasserman or other test if advised

4. Education and mentality

- a. Length of time in school
- b. Age, grade and reason for leaving
- c. Vocational or other training
- d. Mental examination

5. Occupational history

- a. Occupations and how long held
- b. Earnings in each
- c. Capability as learned from teachers, employers and others

6. Recreation

- a. Kinds and extent
- b. How supervised

7. Religion

- a. Church connections, their extent, duration and influence

8. Sex life

- a. Was her adolescence normal?
- b. Was she ever given instruction in matters of sex and if so, by whom and when?
- c. What has been her sex experience, including her relations with the father of her child?

9. Other facts

- a. Age at leaving home, reasons and conditions under which she has since lived
- b. Court record
- c. Institutional record
- d. Known to other agencies

10. Relations to child

- a. Ability to care for child
- b. Desire to care for child

II. The man

All of the above facts, with special emphasis on marital history, composition of family if any, and economic capacity

III. The Child

1. Date of birth
2. Place of birth
3. Physical condition
 - a. Doctor's examination
4. Dispositions
5. Mentality as soon as child is old enough for this to be ascertained

In making our inferences from the facts which have been learned by the investigation, great precautions must be taken. In the field of sex there is much prejudice and likewise much that is pathological. We must utilize the help of experts wherever possible.⁴

"And a little child shall lead them." In our work with the illegitimate family, our strongest ally is the child. How frequent it is in the experience of every social worker that while during the pregnancy of an illegitimate mother, everyone turns against her, when the child comes, it makes an irresistible appeal and wins its own way into the hearts of those who should care for and protect it. Therefore our first effort should be to give the child every opportunity to be seen and loved and cherished, first by its mother, then by its father and lastly by its other relatives.

REMOVING THE CHILD'S HANDICAP

After all it is the child that is our real interest and it is his or her welfare that we are most vitally interested in securing. We have emphasized above that the illegitimate family is a unit and as social workers we consider all the members together. This does not

⁴ See Chapters IV and V of "Social Diagnosis" by M. E. Richmond; also William Healy, "Mental Conflicts and Misconduct."

vitiates the fact that the welfare of the child is supreme and that we work for the welfare of the father and mother largely in order that we may do our utmost for the child. This plastic little creature, full of possibilities, must have its future safeguarded; we must seek to give him or her the best possible nurture and support, as nearly as possible as if he had been born in wedlock. It is our privilege and our problem to see how we can conquer social conditions so that he will be handicapped as little as is humanly possible. How shall we accomplish this result?

We must take into account the character and potentialities of both parents, arousing them if possible to make a plan of their own. We must meet them on their own level, working with them in order that they may understand their own problems and develop their own resources and character to meet their situation. It has been pointed out that we must remember that the father as well as the mother may be in vital need of our help, that he too may be passing through a moral and spiritual crisis needing friendship and guidance. Above all we should not make a plan for our clients and seek to force it upon them regardless of their cooperation. Such work is pedagogically unsound in that it fails to arouse the individuals to self-help and independence.

Having eliminated the idea of punishment, we shall try to arouse in both parents a love for and a responsibility for the child. We shall help the mother to get away from a sense of shame and arouse pride and joy in the life of the child; we shall try to inspire or liberate the father's protective instinct toward his child, arousing any paternal feelings that he may have. We shall reconcile out of court whenever possible, first considering marriage (if both the man and woman are unmarried). This however must never be forced. When in such cases there is genuine affection or respect between both parents or when in both a real affection for or interest in the child appears, then marriage may be the best solution if both parents so decide. If marriage is not the best solution, then seek to arrange voluntary agreements, legally sound but out of court, thus doing away with the undesirable publicity which has to occur even in our best courts. Such voluntary agreements out of court should not be accepted if the amount agreed upon is much less than it would be if the case were won in court.

As a last resort the majority of cases should be taken to court,

the paternity of the child established and a court order placed upon the man. It is remarkable in how many cases the self-respect of a girl is increased when the paternity of her child is established. This must be done also because every illegitimate child has a right to know who its father is. Are we not in this country beginning to feel that the Norwegian ideal of securing support in every case is practicable and desirable or at least that it should be secured far more generally than it now is? This means that better court methods and more humane ways of dealing with the mother will have to be devised and also better machinery for enforcing the orders which many of our courts are placing upon many fathers of illegitimate children. The amount of these court orders will inevitably be increased, especially in the case of any men who are economically well off and in such cases the period over which such orders shall be paid will undoubtedly continue to increase. In all of these court orders we must differentiate between the just claim of society for the economic support of the child by its father and the questionable claim of the mother for damage done her or the equally questionable claim of society for punishment of the individual man for violating its moral code. Economic support from the man (as well as from the woman) is to be enforced, for failure to support any child is a crime which the state cannot tolerate for its own well-being.

INDIVIDUALIZATION OF TREATMENT

So far in our discussion of treatment, we have failed to stress a principle of case work which is as vital in work with the illegitimate family as it is with the legitimate. This principle is individualization of treatment. The day is past when all illegitimate mothers were sent to a rescue home as they were considered to need moral reformation to atone for the sin they had committed. It is still true, however, "that there are few tasks requiring more individualization and there are few in which there has been so little."⁵ Individual differences are the basis of social life. So complex is human nature, so varying are the threads that combine to make up an individual life that in no two cases will our diagnosis be the same and in no two cases will our treatment be identical. One test of good case work with this group as with any other is the ability to be flexible, to adjust ourselves to the changing needs of the individuals whom we

⁵ M. E. Richmond, "Social Diagnosis," p. 413.

are to help. This being so, we must hesitate to lump any of these groups into classes or a series of classes. The affixing of a label may apparently simplify our work, and we yearn for simplification in a field so fraught with difficulties. We therefore question the classification Mr. Carstens made in his discussion at the National Conference at Pittsburgh when he divided illegitimate mothers into three classes, the good, the vicious and the defective. It is true of course that those illegitimate mothers who are diagnosed as feeble-minded by a psychologist do constitute a group by themselves. This, however, is the only group that can be scientifically measured off, and even within this group we must to a certain extent apply the principle of individualization of treatment. In the main the dangers of classification more than offset the advantages.

From the first, it is vital that the health of the mother and baby be protected. The infant mortality of illegitimate babies is three times that of legitimate. For this reason we must encourage the illegitimate mother to seek medical advice as soon as possible after conception and to continue it regularly during pregnancy and after the birth of her child. For this reason as well as for others some social agency should continue care of both mother and baby as long as possible. Under the Minnesota Children's Code, the State Board of Control may offer to the unmarried woman about to become a mother its aid and protection even before the birth of her child and it is further provided that where a woman is received in a hospital expecting the maternity of an illegitimate child, the person in control shall at once notify the State Board of Control. In other places where there is no such provision, it is disputed whether one central agency should handle all the cases of this kind or whether those agencies that naturally first come into contact with them should continue their care. Some hospitals are doing unusual work with this type of case, e.g., the Social Service Department of the Massachusetts General Hospital which works with the mother a long time before the birth of the child, endeavoring to instill in her an interest in keeping the child when it is born, preparing her mind and her mode of life.

It seems vital in the majority of cases to keep the mother and child together at least for the first six months of the child's life, when the mother should be helped to nurse the baby. Nursing a child successfully, however, is so largely a psychological matter that it is

not enough merely to keep mother and child together but we must so place the mother that she may have the maximum of content as well as of physical well-being. One questions whether a mother can be forced to nurse her child. Should we not rather bring her to see it as a joy and a privilege in order to safeguard her baby's life? The problem of supplying work for her at this time is a difficult one. In some cases it is possible for the mother to act as wet-nurse to other children and thus to support herself and her child. Some maternity hospitals are keeping the mother in the hospital long enough to train her in some form of employment and to assist her in securing the same, allowing her to live in the hospital and to keep her child there while she begins her work.

PERMANENT WORK FOR THE MOTHER

The problem of the best regular work for the mother after the nursing period is a pressing one. In the past, domestic service has been the usual solution. Domestic service, however, supplies more illegitimate mothers than any other occupation. Is this not because domestic service is the most unstandardized of all types of work? Its hours of work are excessive, there is little opportunity for recreation or normal companionship and it is an occupation that is considered menial by the average person of intelligence, with the consequence that the most unskilled workers enter this field. If domestic service seems the occupation fitted to a given individual's tastes and abilities, should we not seek to give them training first in this field and then to find them opportunities to work with employers who will understand their need of a sane, wholesome life, including standardized hours, recreation and companionship? The problem of recreation and social life for the domestic employe is one which intelligent women must solve. Until we can find more socially minded employers, should we not hesitate to place illegitimate mothers at domestic service but rather seek to find other types of employment fitted to the individual's capacity and training? How the mother is to do various types of work and still keep her child is a problem.

The ideal solution is where the mother can live in her own parental home, doing part time work in the home or going out to work while some member of her own family looks after her child. If this is not possible, it is sometimes feasible to find a boarding home where the

mother may live with her child, going out to work by the day and leaving her child in the care of the woman with whom she is boarding who may herself be the mother of small children. The more normal such a home life, the better for our client and for the child. Whatever work is found should be interesting, with adequate remuneration and allowing some chance for advancement. Wherever possible an effort should be made to secure funds either from relatives or from scholarships to give the mother vocational training to equip her for a more highly skilled and more interesting type of work.

A NORMAL LIFE FOR THE MOTHER

Above all we should aim in treatment to reinstate the mother in normal life, that is, to place her in such a way that in addition to interesting, remunerative work, she will have normal social contacts, companionship with others of her own age, if possible of both sexes under supervision. She needs wholesome recreation supplied to her through clubs, in settlements or church or trade union groups. She needs to feel herself a personality with possibilities of life ahead. And all of the above must be supplied to the child as he grows up. In addition we must seek to make for both mother and child the normal religious contacts, helping the mother to find her place in her church group if she at one time belonged or, if not, opening up this possibility for her in whatever way may best fill her need. For both mother and child strength from this source may do much in helping them to face the extreme difficulties of their lives which we at best can but soften.

If the above conditions can be fulfilled and the mother and child can be kept together, there must be a gain for both. The relation of parent and child when it really exists is basic and is one which should never be broken until every effort has been made to strengthen it and test out its reality. The child needs the family life and ties and the mother needs the child. Yet, as in the case of marriage, we should not force the external living together if it is only the shell of the relationship which is existing. Keep mother and child together, then, if the mother is fitted to give physical, mental, moral and at least part of the financial care to her child and to be happy in doing it. Under such conditions it would seem as if no other plan could so securely safeguard the child's future. If, however, the mother is not fitted to give such care to the child, and cannot be trained for

it while the child is with her, it seems unwise to keep mother and child together. Perhaps a temporary separation may be the solution, in order that the mother may be trained for more adequate parenthood in the future. If she is incapable of being trained under any circumstances, it seems clear that a plan should be made for the child away from its mother, with her relatives if possible, with the father or the father's relatives or in some other situation where it will have as nearly as possible normal home life. In the case of a defective mother the baby should be separated from her just as soon after birth as the physician deems wise.

In cases where there is no relative who can adequately care for the child, we are faced with the question of adoption. In this volume of *The Annals* J. Prentice Murphy has outlined certain questions which must be answered before the legal adoption of any child is arranged for.* We must stress the fact that this should never be encouraged until we know all the facts about the child's own parents and relatives and are reasonably sure that they can never offer it a suitable home. The writer has in mind a case where a social service worker made only a cursory examination into a child's home situation before securing its adoption by a wealthy doctor. At the time she thought that the father had deserted and she knew nothing of the possibilities of his returning and the family being restored to normal life. Although it later turned out that the child was illegitimate, it was by no means clear that the child's own relatives could not have cared for it adequately. Untold harm may be done in this way. Another aspect of the matter that should be considered is that of disease and heredity. No child that is of diseased and no child of feeble-minded parents should be placed in any home for adoption until the foster parents know the full facts of the case and are ready to take every precaution to see that the disease is not passed on to others and that later in life the defective germ-plasm is not mated with normal stock, thereby passing on the defect and causing much preventable misery.

DEALING WITH THE ILLEGITIMATE FAMILY

Should case work with the illegitimate family be conditioned by exactly the same considerations as case work with the legitimate

* See his article in this volume on "The Foster Care of Neglected and Dependent Children."

family? This question has been variously answered: in one way in a paper at the recent National Conference in Pittsburgh, and in various ways by the different conferences on illegitimacy in their more intimate councils. Our answer is that it both should and should not be. In the main "the methods and aims of social work are or should be the same in every type of service."⁷ The individuals constituting the illegitimate family do not necessarily differ in any wise in physique, character or ability from those constituting the legitimate family.⁸ The principle of individualization of treatment applies equally in our work with both groups. There is, however, one factor which is present in every case of illegitimacy which in the opinion of the writer inevitably affects our case work with this group. That fact is that the man and the woman have both broken the law or the "mores" of the larger social group in which they live. It is true that the laws concerning illegitimacy have varied in a most interesting way as we follow down the pages of history, but failure to conform is a distinct social phenomena which must be studied. Therefore in every case of illegitimacy we have an added consideration to study, *i.e.*, why did both the father and mother break the law and bring a child into the world without the legal sanction of their group? In the widowed group the specific maladjustment which brings the woman to our attention is of a different kind; in the deserted wife group the man and woman have followed the law at least to the extent of legally forming their family and the man has given the woman and child his protection for at least a period. In the illegitimate family the psychological attitude of both the man and the woman will inevitably reflect the fact that they have broken the law and we must understand in just what way this is so.

In the second place, case work with the illegitimate family will be conditioned by different considerations than that with the legitimate family group in that treatment with the illegitimate mother must always bear in mind and depend upon what society's attitude is toward the girl. Public opinion is such a strong force and can punish so severely those whom it condemns that we must reckon

⁷ M. E. Richmond, "Social Diagnosis," p. 5.

⁸ Undoubtedly a certain percentage of unmarried mothers are feeble-minded but this is also true of married mothers. There are probably more feeble-minded among the illegitimate mothers than among the legitimate but this tells us nothing concerning any individual in either class.

with it, no matter how unjust we may consider its decisions to be. This is well illustrated by the case of Mrs. B, a widow with five children whom a relief agency had been assisting since the death of her husband. When calling on the undertaker to learn the number of her husband's grave, he assaulted her with the result that she became pregnant. From previous experience with this woman and from all that could be learned, she was entirely innocent of any wrong, but the problem that faced the case workers was inevitably very different from that which would have faced them under any other conditions. The coming child had been conceived contrary to the laws of society and public opinion must be reckoned with in our work with this mother, with her child and with its father. The social case worker in this case has a definite responsibility thrust upon her to educate public opinion by her case work to a more just attitude. It may be a great temptation to do the easy thing, to help the mother move to a different locality and to start life afresh, but two conferences which deliberated long and carefully on this case felt that such a plan would be cowardly and that it was a definite responsibility to help the mother through her confinement and to return her to the community in which she lived. Then with economic help from the father of her child, as well as from the social agency, she could show that the mother of an illegitimate child can be worthy of confidence and can in every sense of the term be a good mother to her illegitimate child as well as to her legitimate children.

Social case workers then who are working with the illegitimate family must do much hard and careful thinking. They must have in mind the historical development of the family, must be in touch with the findings of modern criminology and above all, must have courage and sympathy to work with their clients, on the one hand reeducating them and, on the other, reeducating public opinion. The maladjustment which results in the problem of the illegitimate family is part of our evolving standards of family life.

May we not therefore emphasize the need of a higher conception of parenthood and of family life as a means of preventing this very evil? The maladjustment which resulted in the birth of an illegitimate child came partly at least through ignorance or the failure to realize the wonderful responsibility and great possibilities of sex in its finest sense. We must see that the right kind of sex education is given to the illegitimate child in its turn in order that

he may see the full measure of his possibilities. But if our case work is to be truly sound, we cannot stop by applying this only to the illegitimate child but we will do all in our power to supply every child with a sound foundation in health, vocational education, normal social contacts and recreation, and, above all, to give it the vision of what life may mean when every individual man and woman keeps sacred and untouched this creative power of sex until its exercise will bring only joy to the individual and welfare to society.

THE FOSTER CARE OF NEGLECTED AND DEPENDENT CHILDREN

BY J. PRENTICE MURPHY,

General Secretary, Boston Children's Aid Society.

More than fifty years of controversy on the part of children's workers as to which offers the better care,—the family or the institution,—would never have taken place if all the parties interested had enjoyed a common understanding of the significance of what the modern social worker calls case work, that elastic, imaginative, penetrating understanding of each individual in need, that process of interpretation that never looks upon the individual as a solitary, isolated being, but as very closely related to many people and things and difficult to understand.

Most of the workers engaged in the children's field of service have for years past developed systems of care and methods of treatment which they felt were indisputably right. One of the interesting developments of a good case work job is the discovery that it becomes increasingly difficult to classify rigidly the children or people you study. One child will be considered by an ineffective social worker as dependent but by a much more skilled worker as representing a variety of conditions other than dependency. There are copious illustrations along this line in society's treatment of adult delinquents. The more we know of the conditions causing crime, the more do we understand that pure delinquency as such is a very rare condition in any individual's life. Just so we discover through case work that pure dependency and pure neglect are equally rare conditions in the lives of children. They may be neglected; they may be in need of foster care; but they are also a series of different entities, some intelligent, some unintelligent, some capable of great growth, others not, some well, some sick, some properly trained, many improperly trained, some in need of a certain special individual touch, others equally in need of a radically different oversight and supervision.

The laboratory method has prevailed less in children's work than in most other fields of social work. There has been little actual

studying of methods and results, little open-mindedness; but on the contrary, often a fierce and violent contentiousness on the part of advocates, irrespective of the system in question, who were convinced that those differing from them were entirely in the wrong.

We are here considering foster care of children who by reason of sickness, death, incompetency, improper guardianship or wilful neglect on the part of their parents or relatives, must be provided for in foster homes. We are not including in this group children whose parents are suffering solely from poverty. Such children do not properly come within the scope of an organization giving foster care, but fall within the field of organizations giving relief in any form or able to advise and otherwise assist in the carrying out of plans which relieve the condition of poverty without giving material relief. We are not eliminating from this neglected and dependent group, children who by reason of the parental treatment they have received present special problems in the way of discipline but who do not fall within the so-called delinquent class.

All of the countries of western Europe, and the United States and Canada have for two generations been engaged in the process of developing certain special methods looking to the best care of children who for any reason must be taken from their own families. The time has arrived, however, for a proper understanding of the only dependable method of approach to the care and treatment of such children. The whole controversy between institutions and agencies engaged in children's work and giving different types of care can be settled only through the application of good case work. Only in this way can there be carved out for each child that type of care which it most needs, and for each institution or agency that task or service which the community where it operates most needs.

The introduction of case work has meant the revolution of medicine and law and is meaning the revolution of social work. Every branch of social work which is touched by case work methods, is in process of revamping its technique, with such results as make the newer type of service a very different thing from the service of even a few years ago. The problems of the destitute, of the sick, of the insane and mentally defective, of the delinquent, of the dependent, are now being expressed in terms of hopefulness and understanding such as were almost entirely absent in the past. This case work approach to work with children has particular significance because

children more than any other members of society will most benefit from it.

The approach to any neglected or dependent child, as to any other individual, adult or child, should be made only in the spirit of understanding his needs, of trying to meet them rather than with a feeling that his needs have already been interpreted; that he has already been classified; and that rigid and inelastic methods of treatment are always proper and wise. With such diverse groups of children, whose needs arise by reason of certain conditions in their own homes, the children's organization must deal, and it must so adjust its work as to be able to provide the special and intimate services, sympathies and understanding, which are the right of every child and without which no child can develop normally.

It is the task of the social worker to know the children with whom he or she is dealing, to see things from their standpoint as much as from the standpoint of the adults and others who have affected the life of the particular child, and then to try to provide through social treatment the essentials which careful study shows the child to have lacked. Therefore, every children's organization which expects to do an effective, helpful service to the children and to the community which it reaches, must be provided with workers who are competent to understand the social problems which the children present, to get their right relationship, and then to apply the most effective social treatment.

This better type of care will in many instances apparently cost more than less thorough work, but actually the best and most complete service to an individual in need, no matter how great the cost, is in the end the least expensive. Moreover, on the cost side, the war has fastened upon many people of all social positions this one great idea; that if so much money can be spent for a special national protective work, then with equal justice may society publicly or privately spend far larger sums than we have thought advisable in the past for the proper care and training of thousands of children who through no fault of their own stand in need of development and opportunities which their parents cannot or will not give to them.

As has been noted, we are not concerned in this paper with the problem of care for children in families where poverty is the chief cause of distress. One general principle should control all work for children, namely, that the child's own family ties with parents or

other relatives, if it is living with the latter, should be broken only as a last resort. Because good case work does not hold with all children's agencies, this principle is not observed; action is often taken in ignorance of the child's real home conditions and resources, and he is injured rather than helped; for foster care, although it may be of the best, is nevertheless, in many instances, a poor substitute for the care which parents could and would have given if the means, opportunities or advice, had been provided. Even applications for temporary care of children should be carefully studied because often the thing asked for is not what is needed and other than temporary care may be necessary and imperative.

The work of the Bureau of Investigation of the Department of Public Charities, New York City, under Commissioner Kingsbury, is proof of how more careful case work means the keeping of many children with their own people. Fewer children were committed by the Department to the children's institutions in New York City during the last years of Mr. Kingsbury's term than were committed during the term of the previous Commissioner, the decrease being the result of a more careful understanding of family problems affecting thousands of children.

CASE METHODS APPLIED

Let us apply case methods to the following special problems which concern every social worker and especially every children's worker. Consider the question of adoptions. A study of the reports of certain children's home and children's aid societies and certain institutions scattered all over the country, shows a surprisingly large number of complete adoptions of children for each year of their work. A study of the reports of other organizations, often in the same localities and usually dealing with the same types of children and caring for equally large numbers of children, shows almost no adoptions. Why is this so? Careful study leads one to feel that the difference is due largely to the lack of adequate case treatment on the part of the first class of agencies and to the use of good case methods on the part of the second class.

The case work approach to the adoption problem presents a series of very special difficulties. First, the more one studies intake (that is, the more one studies the applications for care presented by parents, relatives, interested friends, and coöperating agencies,

public and private), the more one finds out that there are relatively few children without some ties of relationship which should be preserved. This holds equally true for the child who is usually adopted and for the child who is given long time free home or boarding care, either in institutions or families.

The great majority of children now given for adoption are illegitimate children. However, a large number are the children of lawfully married people, who for a variety of reasons are willing to give up their children or to permit their children to be taken from them under curiously illegal legal agreements entered into with the caring agency.

The well trained social worker will try to preserve for a dependent or neglected child such ties of relationship as will help it. She will also understand that full knowledge about the child she is helping will inevitably mean better care.

The adoption of a child should mean the answering of at least these questions:

1. Is an injury being done to its parents or relatives in taking it from them or keeping it from them?
2. Are they quite unable, with proper assistance, to train their own child?
3. Are we certain that the adoption proceedings do not represent an escape from proper responsibilities on the part of a parent?
4. Is the child well physically? Is it well mentally?
5. Have we fully satisfied ourselves as to why in each particular instance the relationship, provided the parents are living, is being severed?
6. Are we trying where possible to keep alive the relationship between brothers and sisters, assuming that the child considered for adoption has brothers and sisters?

Our failure as communities to apply case work methods to the adoption problem has meant that courts, communities, governing bodies and social agencies have quite underestimated the significance of their large adoption rates. Social conditions are not right in a community that year by year is agreeing to adoptions of large numbers of children.

Each unmarried mother takes on an entirely new significance if we survey the adoption of her child in the manner suggested. The maternity homes get into a right relationship to their jobs when case work methods are applied. Our failure to apply the case method to illegitimacy has meant our failure up until now to get the real significance of our illegitimacy situation. Only as innumerable stories

are studied and analysed will we get beyond the stage of simply passing out illegitimate babies without knowing exactly why they come and how the tragedies back of each little child may largely be prevented.

Careful case work with unmarried mothers shows a high percentage of capable mothers who, if given the opportunity, have training possibilities which would benefit their babies. Careful case work also shows that many unmarried mothers are feeble-minded or suffering from syphilis or gonorrhea, and frequently that babies of the latter class suffer from syphilis. How necessary does it become to see that babies with this inheritance of feeble-mindedness or disease are not placed in families where the opportunities offered will be wasted upon them.

Our tendency to provide foster care for illegitimate children so easily and so constantly, in ignorance of the conditions from which the child has sprung, is evidence of the fact that legal injustices with reference to illegitimate children and social injustices with reference to mother and child still persist.

When each unmarried mother and her child are studied with a view to their best development, there will be many instances in which it would seem wisest to arrange for the adoption of the child, and these children will then be most accurately placed in families according to their abilities based on physical and mental health. More mothers will receive support from the fathers of their babies, more mothers will be assisted in getting from the experience of unmarried motherhood that protection which will help them and their children and the state. At the present time the failure to apply case work generally to the illegitimacy problem means a ruinous shifting of responsibilities to other parties who do not always continue with them. The best societies for the protection of children from cruelty are constantly removing children from adoptive homes where conditions of neglect hold, the primary reason for the condition of neglect often being due to the fact that some agency or person at the time of adoption did not know the whole story with reference to the child's physical and mental history.

All students of the problem of child care agree that the normal family is the ideal place for the rearing and training of children. This position was emphatically affirmed at the White House Conference in 1909, and has been constantly reaffirmed since then

by children's workers of all interests, including institutions and placing-out societies. The chief difficulty on the part of the leading institution people is their fear that there are not enough good families. An adequate understanding of neglected and dependent children on the basis of good case work, prevents one from saying that either family or institutional care exclusive of the other completely meets our needs. However, the more carefully the children's organization, whether institution or placing-out society, studies its applications in terms of case work, the more constantly does it see that it must continuously base its major services on something approximating family life.

It was case work, although this term was not used, that led to the development of the cottage type of institution; it was case work that drove home the idea that the congregate prison is an evil and a terribly injurious institution; it was case work that showed the courts that community life and family life may be tried with increasing numbers of those charged with delinquencies and with helpful results; it was case work that carried the hospital contacts from bed-side or clinic out into the family and the community; it is case work that is making each progressive children's agency see every child it receives as having a variety of needs which can best be met by family life or its approximation if they are within an institution, and that the desirable thing is to strive to transfer the training task as rapidly as possible to family centers.

Thorough case work, as applied to home-finding or more specifically the securing of foster family homes for children, is of very recent growth. The fact that home-finding methods generally have contained so many elements of chance has made many institution people feel that good institutional care is a much more certain and definite thing to follow. If potential foster homes are studied in exactly the same way that other families known to social agencies are studied, the element of chance is increasingly eliminated and then is there possible that adjusting of particular children to particular families which so many of us have talked about and so seldom realized. If the home-finding job had always been what some of its advocates have said it was, there would be few types of institutional care in existence. The application of case methods to this division of children's work will effect as great a revolution on the home-finding side as on the institutional side.

It is a fact that most families into which neglected and dependent children finally go for care are selected in a pretty superficial way. Even reputable children's agencies which exercise great care in determining the children they will receive are content with much less thorough service in selecting the foster families to which the children are to go. Most well organized cities throughout the country now have confidential exchanges and yet it is rare to find the children's organizations using these exchanges for their foster homes.

A potential foster home should be studied with the utmost care and everyone having important knowledge as to its training ability or disability should be searched out. In too many instances workers are prone to let the question of approval rest on a small fund of information furnished by the family plus a few references which they have given, and occasionally information from independent sources known only to the society. It is no wonder that the most thoughtful students believing in the institutional methods—who see only the work of these agencies—look with questioning on such a procedure.

Family home work for babies is largely a matter of getting expert physical care. Yet an organization paying regard only to the physical factors may by reason of faulty work do great injury to the unmarried mother of a baby in such a home. One society reported the family of a physician who with his wife was able to give most intelligent care to certain babies placed with them, and there were no difficulties offered until the baby of a young unmarried mother was placed in this home. Then the discovery was made that the physician was a man of low morals and had gravely tempted the girl immediately on his learning that she was unmarried.

Where families are being sought for the foster care of babies, it is not necessary to search only for good disciplinarians, or for people of unusual education, but the home life must be good, especially where there are contacts with unmarried mothers. Often the most effective work done is through the foster mother rather than the visitor, who is most directly concerned with the supervision of the mother and baby.

For quite a long while a difference of opinion has existed among the children's workers most interested in the care of children in families, with regard to the value of free homes as against boarding homes. The advocates of the free type of home have contended that they

used a better type of home than was true of the type largely engaged in boarding out. If one approaches the dispute with a view to ascertaining all the facts, or in other words follows the case method, certain things will stand out: first, that free homes are generally restricted to very little children who are without family ties or whose family ties can be severed without opposition from parents or others. These children are supposedly well and must generally be attractive; that is, sick, diseased or unattractive children do not come within this class. Second, older children, generally over twelve, are received into free homes because of certain services they may render.

It therefore becomes evident that a great many children whose family ties cannot be severed, or children who are unattractive and come from poor, low grade homes, who are sick or impaired physically or mentally, must be provided for in other than free homes.

In many states which have developed strong free home agencies, agencies that do almost no boarding out, there has also grown up a number of institutions which under this system have to take over the job of caring for children whom no one is desirous of fitting into families. Moreover, many of the free home organizations have felt strongly that to develop a boarding out service, that is to provide board in families for these children whom they could not place in free homes, would tend to decrease the scope of their free home work.¹

¹ The situation in Massachusetts has been pointed to as bearing this out. This state has approximately 10,000 children in families under the care of public and private organizations. Of the 10,000 approximately two-thirds are in boarding homes. There is none of the free home development in the state such as holds in other states, but there is likewise none of the institutional development, because the public and private organizations are quick to give family care to a child even if board has to be paid when they are certain that such children cannot secure opportunity for free care.

The situation in New York illustrates the results of a non-boarding out development of the children's field. There has grown up alongside the important free-home children's agencies an increasing institutional population. Part of this institution growth has no doubt been due to the subsidy system, but a large part has been due to the fact that there were no private agencies standing for the boarding out idea. In other words, the case work method, involving elasticity and adjustment to the needs of a particular situation, was not in evidence.

The development of the children's Home Bureau of the New York City Department of Public Charities and the placing of many hundreds of children in families at board during the first year and a half of the Bureau's existence, is striking proof of the wisdom of this addition to the free home equipment in the state and has suggested to some of the best institution people opportunities for growth and a transfer of activities from the institution to the family plan.

It is utterly useless to say that family care is better than institutional care for a particular child, unless we are prepared to give continuing, penetrating supervision. A children's society placing its wards in families and giving inadequate supervision is offering no arguments against institutional care but may be offering many in favor of it.

Good case work in the children's field, among other things involves seeing an accepted responsibility through to its conclusion, yet it is not good case work so to load a visitor with children placed out in families as to make it impossible for her to do more than pay a few fleeting visits in the course of a year. The standards set by a small number of children's organizations of forty to fifty children to a visitor are simply not accepted by children's agencies generally. If the development of opportunities for free home care is checked, the fault is due to the neglect of the workers rather than to the injurious results of the boarding out plan. Almost none of the agencies using either method exclusively have accumulated important history records for the children in their care. This has meant, of course, a lack of accurate and complete data which must preclude any scientific study. It cannot be stated too frequently that this whole question of child care is capable of scientific interpretation and unsupported opinions must give way to statements based on facts.

On the other hand, few institutions have kept records of their work in such shape as to make it possible to study now the results of their services and determine wherein certain types can best be cared for in institutions rather than in families. A careful study of case histories of children in need of temporary care, conducted by both institutions and family agencies, ought to disclose data as to which has brought the more helpful service to the children.

The executive officers of the Massachusetts Trustees for Training Schools, who have in charge the three state industrial schools for children, feel very strongly that whereas probation for a child in the community represents a procedure that should be tried in almost every instance where a juvenile delinquent is involved, yet the dividing line between what a family can do and what a training or industrial school can do for a child is not clearly and definitely understood by very many children's workers. This same indefiniteness holds in the matter of institutional and family care where neglected and dependent children are involved. The doctors and lawyers

are constantly expressing medical and legal problems in terms of cases. Dr. Richard C. Cabot's "Differential Diagnosis" is an evidence of something that we should have in social work. The problem of the best kind of foster care, whether in families or in institutions, could best be stated and understood if we had monographs giving histories and treatments of given groups of children: children related; children without relatives or brothers or sisters; children with no special problems, others with very special problems of health, impaired minds, or bad habits.

Returning to the matter of adoptions, it would throw great light upon a most important question if certain organizations dealing with neglected adoptive children could study and re-state for the public the histories and treatment of the children involved and give especially the reasons why these children had to be removed a second time often from homes of neglect.

The case method is also admirable for use in weighing the advantages and disadvantages of the community in which an effort is to be made to place children in families as against giving them institutional care. There are many communities in the United States offering less than a proper minimum in the way of social life. The schools are poor, the terms are short, industrial opportunities are nil, housing is bad, the country is sparsely settled,—it is folly for any children's worker to contend that where such conditions prevail proper family life with necessary neighborhood contacts will be found in sufficient quantity always to provide for all the children in need of care.

The tendency of many of the child-placing agencies to sing the praises of the ideal home and then to dodge so far as actual work is concerned the care and adequate training of the more difficult children referred to them, with particularly serious results at the time of adolescence, has thrown upon the institutions a very difficult task. This has particular reference to the giving of care to dependent or neglected older boys and girls. Every well-informed child-placing agency knows that when children of twelve or thirteen or fourteen years are referred for care, the problem of treatment, and the certainty of good results, are very different from the cases of much younger children.

The family agency in receiving a child at this age has a much more difficult if not impossible task in building it into the texture

of a family. Years of neglect make most necessary for the particular child very intensive, special care and not every good home, good from the standpoint of morals, cleanliness, intelligence, etc., is able to provide that accumulation of interests which the adolescent child demands and has to have. The psychology of this particular children's situation has not been shaped up, at least so as to affect the work of children's organizations as a whole.

A certain type of institution, the like of which is rare, might be so effective in giving care to these older children, or children who arrive at a period of dependency at a late age, as to be in advance of the family agencies; but there should be no uncertainty about it and either of the plans can be entered upon with certainty only if the histories and treatment of each child involved are studied and the combined experiences properly interpreted.

The extent to which institutional care is given by the Catholic Church to its children is a cause for constant comment, especially as this holds with reference to little children, because if there is flexibility in methods, these are the very children that are most easy to place in families. The difficulty of getting enough Catholic families into which these children might go has been offered by some as a reason for the institutional emphasis. The experience, however, of the New York Department of Charities in placing large numbers of Catholic children in homes of their own faith and in a district as congested as the area surrounding greater New York would seem in a measure to dispute this contention. It is also important to note the work of the Massachusetts State Board of Charity in placing its wards in homes of their own faith.

In the giving of foster care, whether in institutions or families, there are other special considerations having a particular religious significance. With this constant emphasis on training along certain sectarian lines as laid down by various religious denominations, there is interjected a special difficulty from the placing out standpoint. Good case work, irrespective of any interest in any particular religious creed, will see to it that a child is placed generally in a home of its own religious belief; that is, a Catholic child in a Catholic home, a Protestant child in a Protestant home, a Jewish child in a Jewish home. Now, it frequently happens that a home thought of for a particular child is good on every count except that it is of a different religious belief. Frequently the argument is heard that

placement in this home for the child in question can have no serious effect on the child. It will be allowed to continue its own religious life, and the utmost respect will be paid to its own religious opinions. Holding liberal religious views, the writer of this article feels that such an argument is wrong.

Growing out of experience with a variety of children's problems, one does realize that the statement made above that few children are without ties of relationship which can be severed completely, is indisputably true. The child's early religious training results in the formation of certain interests and possessions which cannot be lightly dropped. Therefore, while a child will benefit physically and in many ways socially by care in a good home of other than its own faith, conflicts are presented to the child which affect it most seriously in its later reunion with family and friends. An element of doubt on a hitherto undebatable subject is injected at a time when the child is often least able to get his proper bearings. This would seem to lead to the plan that familiar religious atmospheres and training must be continued for a child when receiving foster care, involving as it may institutional care. There is the further argument that unless a child is placed in his old religious atmosphere, he will wander from a particular religious denomination and may thus be lost to the membership of a particular church, a spirit of propaganda for which the writer has no sympathy.

Careful follow-up records should be kept by every family or institutional organization of the foster homes in use; that is, after the initial reception investigation with all of its ramifications has been made and a decision to use the home has been reached, then all further contacts with that home should be summarized and entered on the record, so that the home's training and development under the direction of good family visitors, the results of care given to the different children received into the home, and the reasons for success or failure in given instances, should all be there. The records should also show changes in the family structure. In so many instances the children's agencies are prone to forget that the family organization as presented at the time when first used will not last forever, and that a very good home, good because certain members were there, may become a very bad home because certain members have died or left. An illustration of this is the home of a deserted wife whose husband had long been away, and whose children showed

the effects of her good training. Her home was an excellent training place for children who had been deprived of their own parents, but became a very bad place especially for girls when the husband returned and the wife, out of a mistaken sense of responsibility, felt she could not turn him out of doors.

Under such a record system, the visitors would be so accurately and completely informed as to choose the foster homes with greater certainty of success. If a number of children's organizations were to keep such family records, it would then be possible to show under what family conditions the children, with all of their varying personalities, best develop. It would also be possible to show the homes that had been rejected or later disapproved because of the development of conditions which were not evident or were not discoverable at the time of their acceptance. Monographs on such records of experience would help all children's workers and every intelligent social worker dealing with children's problems would have a new value placed on her best work.

The country is in the midst of its greatest social crisis. No children's organization need feel that more careful study will lead to its elimination for if it base all of its work on good case studies the treatment will be of the right sort. Case work with children means knowing them and when intelligent people know them they treat them wisely. Knowledge here is power to do the right thing.

ESSENTIALS OF CASE TREATMENT WITH DELINQUENT CHILDREN

BY HENRY W. THURSTON,

Member of Staff, The New York School of Philanthropy.

So far as case treatment of delinquent children depends upon the authority of courts it is necessarily limited and colored by the provision of the law establishing those courts; by the personality and judicial methods of the judges; and by the public opinion that created and sustains the laws. It is, therefore, a first requisite to continuous good case treatment of juvenile delinquents that there be a right attitude of the public mind, and that this attitude be expressed in laws and court procedure which will permit and encourage good case treatment of the individual delinquent. A brief reference to the public opinion which found legal expression in the Roman law, the penal code of France and the English common law, compared with the American law which in many states gives a juvenile court chancery jurisdiction, will illustrate the necessity of a right attitude of the public mind towards young offenders as a basis for right case treatment.

THE BASIS OF CASE TREATMENT IN PUBLIC OPINION AND LAW

The Roman criminal law treated the adult differently from the child by making a gradation from non-punishability—seven years, through stages of "impuberes" (for boys till 14, for girls till 12) and "minority" to full maturity at 25 years. The amount of punishment varied according to these gradations in age though not by a definite scale. There was no special judicial procedure or special punitive institutions for juvenile offenders.

The penal code of France similarly distinguished between an adult and a child, placing the dividing line at 16 years. For offenders under 16, the law provided that if a child acted without "discernement" he was to be acquitted and either returned to his parents or sent to a house of correction for a definite time which must end when the offender reached the age of 20 years. If the offender under 16 acted with "discernement" he was to be pun-

ished to a less degree than an adult according to a graduated scale. There was no minimum age for punishability and no special judicial procedure.

The common law of England which has been followed by the statute laws of many American states gave seven years as the lowest limit of punishability. Above this age and below maturity during most of the nineteenth century, England and the United States have graded punishment according to the judicial opinion of the degree of responsibility of the young offender for his offense. Of this groping of the Roman, French and English public opinion toward discrimination in the treatment of juvenile offenders, as expressed in their laws, Philip Klein says:

The law went half way toward treatment of the cause in acknowledging that lack of responsible, mature thinking is partly the cause of the offense, and in establishing the presumption of only partial responsibility in the case of juveniles, but failed to go the rest of the way, however, to find that youthfulness being the cause of the lowered responsibility, it was this youthfulness or immaturity that had to be dealt with, rather than the remaining amount of responsibility. . . .

Though technically an offender against the law (the child) is really primarily a neglected child. Because of his irresponsibility and immaturity the child needs protection and training. When no protection and training are given the child it is likely to act upon its own impulses, and these, often, in cases of destitution nearly always, take the form of an offense against the law.¹

The same attitude of public opinion as formulated in law is authoritatively expressed by Judge Julian W. Mack.

The underlying conception of our criminal law, despite all the reforming influences that have come in, is still that of vindication, that the state must vindicate by punishing. This ought to be completely eliminated when we deal with children. . . . A child who has committed an offense, no matter what the nature of the offense may be—even what we call murder—should be dealt with by the state, not as an adult is, merely to punish, but for the purpose of correction, for the purpose of training, for the purpose of education.²

That courts in states where public opinion toward juvenile delinquents has not yet become formulated in chancery law and in judicial practice for children's courts, are handicapped in their efforts to develop social case treatment of children, the testimony of Presiding Justice Franklin Chase Hoyt bears convincing testimony.

¹ "The Treatment of the Delinquent Child in the United States," an unpublished paper which traces the trend above summarized.

² Address before Judiciary Committee of the Constitutional Convention of New York State, June 29, 1915.

One of the handicaps which retards the Children's Court development at present is the impossibility of obtaining a comprehensive method of legal procedure under constitutional conditions. The court should have broader powers, and the present system of trials in children's cases should be done away with.

It savors too much of the strict, narrow, criminal trial. If chancery or equity powers could be conferred on the court it would be possible to inquire into the facts and circumstances of each case at the first hearing to see whether the child is in need of the care and protection of the state without first having to make a technical finding of juvenile delinquency.³

Social case treatment of juvenile delinquents needs first of all, then, the backing, not only of public opinion but of public opinion formulated in law and carried out in practice. A second need, hardly less essential, is a similar public opinion formulated in law and judicial procedure which makes it possible that adults who are responsible for the neglect and delinquency of children can be reached either directly by the juvenile court, or by another court on the initiative of the juvenile court. In practice this means one of three things.

(a) A juvenile court with jurisdiction over adults in their domestic relations and in other cases of adults involving children.

(b) A domestic relations court with jurisdiction in case of juvenile delinquents.

(c) Two courts, one for juveniles and one for adults in close administrative cooperation.

CASE TREATMENT FROM THE TIME OF THE OFFENSE UNTIL A DELINQUENT IS PLACED ON PROBATION

There are two primary essentials in good case treatment during this stage. First, the delinquent should be so treated that the process itself tends to make him better. For example, if personal custody away from his home is necessary, that it shall be in separation from offenders and custodians who incite him to further wrong and in company with those who call out what is good in him. If home custody pending court hearing is even reasonably sure of producing the delinquent when wanted, and is not of itself a further encouragement to delinquency, it should be allowed. The second essential is that all the pertinent facts be found out, not only about the offense but about the offender and his habitual experiences and activities.

The approved procedure from the time of the offense to the time

³ Annual Report of the Children's Court of the City of New York, 1916, p. 36.

the delinquent is put upon probation (or dismissed or committed to an institution) is suggested by the following typical case:

Three boys during their habitual street activities of a Saturday forenoon found out that the grocer was away for the day and that the transom was open. They agreed to go home to luncheon and to meet at 1.30 and go into the store. This they did, thus becoming in the eyes of the law burglars and thieves. They carried off sweet chocolate, Nabiscoes, cigarettes, gum, candy, cookies, etc., and hid their booty in a shanty back of one of their houses. The next day, Sunday, they went far into the open country and ate their plunder. Meanwhile a smaller boy who had seen the burglary told on them. On Monday the policeman filed a petition for each of the three boys with the clerk of the juvenile court. This petition stated on oath that (name, age, address of boy) to the best of the knowledge and belief of the petitioner is a delinquent boy in that (description of the offense). The clerk acting for the judge then issued a summons upon the parents of these boys, stating that petitions had been filed charging them with delinquency and that a hearing had been set on a certain day and hour in the juvenile court, and directing that they appear at that time with the boys.

Pending this hearing a probation officer made an investigation of all the necessary personal, developmental, family, neighborhood, and school facts relating to the boys, so that the habitual activities, trend and opportunities of each boy became clear. The boys were also examined by a doctor and a mental specialist.

Specialists in the study of delinquents agree that the short period between the detection of a child in delinquency and the hearing before a judge who is to decide what is to be done with him is the best psychological time to secure the maximum degree of coöperation of the juvenile delinquent in efforts to understand the real reasons for his own misconduct and the essentials of the best plans to prevent recurrence of wrong-doing.

In cases such as the above, with all these facts summarized in writing,—so that the judge can visualize not only the particular offense but the personality, habitual life, and future opportunities of the child,—the parents, the child, the probation officer, the complainant, friends and witnesses file up and stand before the judge. Here there are as many different variations in procedure as there are different judges and juvenile delinquents, but good case treatment

demands of the judge that when the hearing is ended he shall have produced certain very definite impressions on the delinquent and on his parents and friends:

1. That they have had "a square deal" and a fair chance to tell the judge whatever seems to them important.

2. That the judge has found out the real facts—that nobody has "put one over on him."

3. That in his decision, even to commit to an institution, he acted not in anger or in an arbitrary way, but so far as his duty as a judge and the law permit, from a desire to help the offender "to do better"—"to give him a real chance."

4. That if the delinquent is put on probation the judge has made clear that the probation officer is his representative who, like the judge, is not easily fooled and will always give a square deal.

Unless a majority of those who file out of the court room have in substance received the above four impressions, the judge has lost much of his psychological opportunity to make his contribution to good case treatment of juvenile delinquents.

In this process the juvenile court judge who is compelled to work under the criminal court law is sadly handicapped for the reasons that at the first hearing all that can be taken is testimony for and against the delinquency of the child; and that a remand of the case for a second hearing is necessary in order to secure the social investigation and physical and mental diagnosis upon which alone a sound plan of action can be based and stated in the decision by the judge. In short the judge is almost compelled either to decide upon a plan of treatment, on incomplete information, or to call the child and his parents back for a second hearing after he has had time to have the necessary facts collected.

A decision upon insufficient information tends to the impression upon the child and his family either that they did not get a square deal or that the judge was fooled. A remand for an investigation often works real hardships upon poor people in causing loss of time and money and seems to them unfair. The remand also sometimes arouses contempt for a court that calls the child and his parents to its bar without knowing or getting at all the facts in the case. In other words, it is harder for a judge under a criminal court procedure to send a majority of children and adults out of his court feeling both that they have had a square deal and that the judge cannot be easily fooled than it is for a judge under the chancery law.

This is true even if the average decisions of the two judges are equally wise from a case treatment point of view.

Returning now to the decisions of the judge *re* the three boys who were mentioned above as having burglarized a store on a Saturday afternoon and who had been brought into court on petition and summons as before described, after all the necessary facts had been found out before the hearing, the judge was able to produce the four impressions above emphasized as important, although he made a different decision in each case. The investigation in the case of No. 1 showed a normal nine-year-old boy from a good home. He was mischievous and active but not vicious. He was in fourth grade in school and regular in attendance. His parents not only had a good home but now that they were alert to the need of more careful plans and supervision for his spare time, were able to connect him with Boy Scouts and probably to secure a change of behavior without further aid from the court. The judge, therefore, dismissed him to the care of his parents.

The facts in case No. 2 were that he was a twelve-year-old boy in the sixth grade. The father had deserted and the mother and boy were living with the boy's grandfather who ran a milk depot and route. The boy helped some in spare time but was much on the street. Once, after saving money for months, he had run away with other boys who planned to go south where they could see "tropical fruits and waving grain." The judge, therefore, explained that he would allow the boy to continue at home on condition that he and his mother and grandfather and the probation officer would work together to prevent further wrong-doing. He was to be kept busy and happy, not only at his work, but also during his spare time activities, which thus far had been unsupervised.

The facts in case No. 3 were that the boy had previously been in trouble for truancy and also for joining with other boys in stealing inner tubes of automobile tires from a shed used as a garage. His mother was dead and his stepmother was afraid of being too hard on him. The father was brutally severe at times but away from home most of each week. The judge explained that he must see that this boy's habits and home were changed and that the boy's best chance to reform was in an institution unless a family home under more favorable conditions was possible. At this point an older brother who was married and whose home had been visited

by the probation officer offered his home, his personal service and new school associations, together with membership in a Junior Y. M. C. A. which offered swimming and other recreations. Accordingly No. 3 was put on probation to live at the home of his brother.

In a group case like this some judges are careful to have only one delinquent and his friends present at the time his decision is given, but even if all three boys and their friends are present, the emphasis of the judge, not alone upon the wrong-doing of each, but upon such conditions of home, play, school and work opportunity and supervision as will give each boy a real chance to conquer his delinquent tendencies, gives all an impression of a square deal in the light of facts as they are. Good case treatment of several delinquents who have been caught in the same offense does not often demand identical decisions by the judge, but usually a different decision in some particular for each. To the degree that the differences in decisions are based on accurate knowledge of facts, understood by the delinquents themselves as well as by the judge, they and their friends will approve these variations in decision. Such variations in the judge's decisions, however, are not likely to be approved by the delinquents and their friends if the major emphasis, as is too often true in criminal courts, is laid on the offense rather than on the task before each offender of so living in future that no other offense will be committed.

CASE TREATMENT BY THE PROBATION OFFICER

The case treatment now passes into the hands of the probation officer. The equivalent of the first interview (in family cases needing a social worker), of investigation, of analysis of facts, of diagnosis, and of the formation of the outlines of a plan has already been taken.

It is now the task of the probation officer to work out with the delinquent and his parents or guardians the details of a course of life and conduct that will lead to prevention of further delinquency and to right habits and ideals of life. Right here is where too many probation officers fail to do good work. The delinquent knows he has done wrong. He usually has at least a brief desire and intention to do right. What he needs and his parents need is a clear but elastic program for the week which will give the delinquent such good

times as boys and girls ought to have, without constant temptations to evil and further delinquency. In other words he needs a possible program of things to do which seem to the delinquent worth doing in all his spare time. To this end a careful study of the resources of home, school, playground, club, park, library, etc., needs to be made by the probation officer, the delinquent and his parents, until it is clear how a week can be spent without doing wrong and yet in such ways that the delinquent can enjoy most of it. Unless such a program can be fairly definitely, but with great elasticity, laid out and approved by the delinquents, the chances for overcoming serious delinquencies are poorer than they ought to be.

It is essential to the success of probationary care of delinquents that they be helped to see and to choose possible right courses of action at the precise points where before they have once, or frequently, chosen wrong courses of action. It is plainly futile to expect reform under probation unless the child himself can be led to see and feel that right action is not only possible but worth while from his own point of view. Not alone what the probation officer thinks is right and desirable for the child, but what the delinquent himself can be led to see is right, desirable and possible, will be really effective in changing his behavior. To this end the relation of probation officers to probationers must become one of reciprocal confidence and sympathy. Underneath this, but rarely used, is of course the authority of the court. The probation officer should also have such an intimate knowledge of the habitual life of the delinquent at school, at home, in playground, street, and spare time, that the delinquent will feel the probation officer, while his friend, cannot be fooled.

Whether the probation officer should be the same person who made the investigation of the delinquent's home and habits for the hearing is a secondary question. The success of a good probation officer depends upon his skill in influencing the probationer and changing wrong behavior into right behavior, not on the mere fact that he came into the life of the delinquent before or after the hearing before the judge.

A similar question is that of reporting to the probation officer by the probationer. In some way the delinquent must be led to act honestly and on his own responsibility toward his own reform. In many cases to report to the probation officer at a certain time and

place tends to develop his honesty and sense of responsibility. The probation officer must, however, have many other sources of information and means of guidance of the probationer. If he relies on the report alone, he will often be fooled and his influence be reduced to less than nil. Good case treatment means an adoption of available means to the end that habit and voluntary behavior become right with each child. No general rules are applicable to all cases of sick morals any more than to sick bodies. Until a probation officer learns this he is not so successful as he ought to be.

The application of this principle of individualization of treatment explains what the right time and method of ending the probation period are. If opportunities for right choices of behavior for 24 hours a day for seven days in the week are found impossible for a delinquent in his home and neighborhood; or if, although good choices are possible, his actual choices are habitually wrong, the probationary period ought to end by commitment so that control may be enforced, or by some change of environment or supervision that promises progress toward reform. On the other hand, when not only real opportunities for right choices of behavior have been seen by the delinquent but he has learned to choose them for himself, the probation officer should give the delinquent the encouragement of knowing that the authority of the court has been ended. Likewise this termination of probation should be entered on his record at the court. He should know that henceforth he is thought strong enough to do right with merely the personal encouragement of the probation officer. Whether or not this close of the period of probation shall be celebrated by having the delinquent released in person by the judge cannot be stated without knowledge of the case. Plainly some girls who have left sex offenses far in their past, should not be compelled to go again to court. Good case treatment of delinquents demands, at the close, as at the beginning and all through, that the process of release from probation should be not a matter of cold routine, but an act of "constructive friendship."

The final step is that the probation officer should be a voice in his community urging, in season and out of season, the suppression of causes and conditions which make for delinquency and also urging with still greater earnestness the provision of adequate facilities and agencies that make for wholesome juvenile life and education.

THE HOMELESS

By STUART A. RICE,

Formerly Superintendent, New York Municipal Lodging House.¹

Intelligent treatment of homeless men and women requires a vivid understanding of the reasons for their homelessness. Under present methods of industrial management this condition is demanded of a vast number of workers. By becoming or remaining homeless, they render specialized services of great importance to society. Nevertheless, the living and working conditions under which the services are performed react disastrously upon their character, even to making them subjects of social case treatment!

The truth of these statements is to be illustrated in the employment office districts of any large city. A recent inspection of the labor agencies from Fourteenth Street to Chatham Square, along the Bowery in New York, disclosed, in all, opportunities for fourteen men with families! And these were required to be "foreigners!" The thousands of other jobs offered (tacitly understood, not openly stated) were for "homeless men only."

THE HOMELESS IN RELATION TO SOCIETY AND INDUSTRY

The writer has been a member of one of those unkempt companies you have seen slouching along the street from the labor agency to the railroad depot. He has made his abode in the bunk houses provided for these men. His experiences have led him to a real appreciation of the abnormal living conditions that are forced upon great masses of casual and seasonal workers throughout America. Many of the evils inevitably resulting from these unnatural conditions may be removed in individual cases by careful diagnosis and persistent social treatment. But the background of industrial organization (or disorganization) will in nowise be altered by the most careful case work. Either the men and women recorded in our own case files, or thousands of others like them, will still be compelled to live abnormal lives in order that they may live at all.

¹ At the time of writing this article Mr. Rice was still holding this position.

Homeless men are demanded to build the bridges and tunnels, the irrigation systems and railroads, to harvest our forests and embank our rivers. They are the pioneers of modern industry. They go hither and thither to the rough, unfinished, uncomfortable places of the world, to provide homes and civilized comforts for those of us who follow. Meanwhile they live in bunk houses. Homeless women are preferred to do the "dirty work" in our public institutions and to scrub and clean at night in our hotels. Generally only they are willing to accept the work and the hours demanded.

Homeless men, for the most part, make up our "labor reserve." This reserve is highly essential. If some workers were not unemployed in slack or normal conditions of industry, additional hands could not be employed in periods of increased activity. The homeless are usually the less efficient. Furthermore, they are without dependents. Socially and economically, therefore, as things now are, it is advantageous for society that they shall be the first employes discharged when reductions in force are essential and likewise the last to be reemployed.

Homelessness and intermittent employment, therefore, go together. They are the major characteristics demanded by society of a large number of its workers. But certain other characteristics are encouraged. In the absence of organized social control over industry a restless instability of temperament is desirable to afford fluidity to the labor supply. Employes' indifference to cleanliness is fortunate for numerous employers who find it impracticable to supply bunk houses with running water. Even the periodical debauch in the city after pay day has psychological results which prove convenient to the employer. Men or women without money are docile. How otherwise could they be induced to return to jobs affording no chance of normal living? These unfortunate developments of habit and character we attempt to combat in individuals by social case treatment. Yet, they are in a sense vital elements in our patients' professional training!

CLASSIFICATION OF THE HOMELESS

It is convenient to use the following grouping employed by Mrs. Alice Willard Solenberger:² (1) the self-supporting; (2) the temporarily dependent; (3) the chronically dependent; (4) the parasitic.

² A. W. Solenberger, "One Thousand Homeless Men," p. 10.

We may say with approximate correctness that in the order named, these classes mark the degrees of progressive deterioration through which every homeless individual *tends* to pass. That more men and women of the first two groups do not actually pass into the third and fourth is a sure evidence of fundamental human character. Everything in the lives of homeless men and women drives them in the direction of chronic dependency and parasitism. Many fight on against odds, day after day, to retain their precarious foothold upon the social ladder; others go down in the struggle, their spirits unbroken to the end. Still others, "exhausted by three or four generations of overwork, on the slightest menace of lowering prices the first to be discharged,"³ prove easy victims to the disintegrating tendencies of their environment.

THE GENERAL AIMS OF CASE TREATMENT

The first requirement in social treatment of the homeless adult is to check his progressive deterioration toward chronic dependency or parasitism. Existing facilities for constructive treatment are very meagre. Our efforts are everywhere counteracted by the encouragement which society gives to the very tendencies in our patient that we desire to eliminate. If we are dealing with large numbers of the homeless we cannot expect a restoration to normal living in more than a small proportion of cases. The best work we can do at present, therefore, is to assist the bulk of our patients to "hold their own."

Another general objective is in reality a matter of diagnosis rather than of treatment. In any group of homeless individuals there may be singled out proper cases for specialized treatment in which homelessness is a factor of minor significance. The sick, insane, feeble-minded, blind, handicapped, inebriate and immigrant are regarded as such typical cases in the volume of which this article forms a part. All of these are found among the homeless applicants for shelter or relief at any municipal lodging house or charity application bureau. Many lost and broken fragments of families may be recovered from among the homeless. Married men or women, and boys who have run away from homes, will always be discovered if applicants are carefully interviewed. As soon as the

³ Edmund Kelly, "The Elimination of the Tramp," p. 4.

facts in these cases are ascertained, the problems become those of family case treatment and should be referred to a family agency.

With the development of facilities for diagnosis and with the building of additional agencies for specialized treatment, the social function of an agency or institution for the homeless will become primarily that of a clearing house. In every way afforded them social case workers should further the breaking up of our homeless group into its component parts.

TREATMENT OF THE SELF-SUPPORTING

The most numerous group of homeless, employed persons with whom I am acquainted is that which is known at the New York Municipal Lodging House as "the Saturday night clean-ups." The registration of applicants is proverbially largest on Saturday nights. The men responsible for the increase are generally employed through the week, usually at odd jobs that must be "caught" each morning. Consequently, by seeking a free bed and meals at the Municipal Lodging House on Saturday night, the earnings of that day may be reserved for Sunday's living expenses. Some wish to "see the doctor"; others want to "get a bath and fumigation," in order to rid themselves of vermin acquired in cheap commercial lodging houses; still others desire to have their clothing washed in the laundry of the institution. Women frequently are led to our doors from the same motives.

The problem here represented is primarily one of labor and housing rather than of social case work. There is no formula of social case treatment for the needs of these men and women. Most of them are independent in attitude and fairly self-satisfied regarding their economic and social status. They will not accept services from the institution other than those they request. If molested by "social service busy-bodies" they will not return, and whatever opportunity existed for their physical and moral sanitation will have been lost. However, if their "clean up" is supplemented by a friendly but impersonal welcome the institution may at least continue to be a very important agent in community sanitation.

A group of self-supporting men and women more susceptible to case treatment than those described above, is illustrated by the low paid hospital helper employes of the public charitable institutions of New York City. Customarily they are recruited from the

patients and inmates of the institutions themselves. They work for a much lower rate of compensation than is paid for equivalent services elsewhere, and they are recognized officially by the City of New York as a distinct type of semi-dependent employee.

In his dual capacity of employer and landlord, the head of an institution is in a position to render social service to these employees of a kind impossible when they are patients, inmates, or applicants for relief. The Municipal Lodging House recognized this fact in the formulation of a definite policy regarding the filling of positions within the institution; so far as efficiency in administration permits, the Social Service Bureau is the employing agency for these house positions. Lodgers who show possibilities of reclamation become our employees. As soon as possible they are promoted, and eventually are placed in permanent outside employment, carefully selected for its influence upon their habits. In this manner, similar opportunities are continually made for other lodgers.

It is most essential for the success of this program of social service to employees that group loyalty and group interests be developed. Frequent meetings of employees should be held at which common problems of organization and management may be discussed in a democratic way. Outdoor athletic sports are invaluable as a means of promoting loyalty. Holidays may be the occasion of gatherings at which songs, instrumental music, recitations and special features will supplant the institutional atmosphere with that of a community festival.

If regular recreational and educational opportunities are not to be had at the institution they will be sought in the corner saloons. Various clubs are practicable. A large reading and smoking room provided with books, papers, magazines, writing materials and games is a popular success at our Municipal Lodging House. I was once complimented by an unpaid employe for the choice selection of Greek and Latin poets upon our shelves. He chanced to be a former Yale man. The books (received in a donation of cast-off materials) had given him many hours of intellectual pleasure!

Supervision of employees' expenditures is helpful in many instances. Some have never learned the value of money and spend it foolishly. Others are unable to withstand the temptations of drink. Employees at the Municipal Lodging House are encouraged to deposit their earnings with me for the purchase of necessities, for transfer to

a bank, or for investment in War Savings Stamps. A positive gain in self-respect is evident in the individual who has purchased clothing or accumulated savings. In some cases I have found it desirable to keep employes continuously in debt to me by advancing them money for legitimate objects. The amount due is later deducted from their salaries. The invitation to membership in the Red Cross was recently accepted by five-sixths of the hospital helper employes of the Municipal Lodging House, but a small proportion of whom were receiving in excess of twenty dollars per month.

The development of a system of credit or of token money, such as has been found effective at Sing Sing, would be of the utmost value in the rehabilitation of these men and women. The object of such a system would be to pay employes in the things they require—tobacco, clothing, shoes, moving picture tickets, etc. The present cash salary payment is in reality an inducement to spend the month's wages in one grand debauch. Saloon keepers in the neighborhood of public institutions habitually ascertain when employes are to be paid and are shortly after in possession of a large part of their earnings.

Appeals for assistance are often received from men or women who have paid employment but who are temporarily without funds. It should be the policy of a social agency to extend whatever credit is needed by these individuals for necessities. This should be a business transaction throughout and the suggestion of charity eliminated. The individual to whom credit is advanced may be placed upon his honor to repay the loan when he is paid. Upon their verbal promise to repay the institution, a number of men holding positions receive maintenance at the New York Municipal Lodging House every month. The independent and self-respecting manner in which some of these men walk up to the counter to pay their bills speaks for the effectiveness of the method.

THE TEMPORARILY DEPENDENT

The demoralizing effect of involuntary unemployment on individual character is not due to the absence of employment itself, but rather to the inevitable *consequences* of its absence. It is due to the enforced lowering of living standards and to the worry and uncertainty of seeking another job. Even the most callous man or

woman is sensitive to continued rebuffs in a fruitless search for work. I know of nothing that will so quickly shatter the self-respect that is essential to a freeborn individual.

A period of unemployment from which these consequences are removed, in other words a *vacation*,—is considered to be of greatest value for the worker's reinvigoration. It follows that if unemployment could be relieved of its present psychical and material results, it might become a boon rather than a curse to the worker.

The responsibility for finding a new job, therefore, must be lifted from the individual who is out of work, and placed upon an employment exchange. It logically follows that the responsibility for his efficient physical maintenance while unemployed must also be removed from the individual. He may then utilize his period of unemployment as a time of physical and mental reinvigoration. Good food, recreational facilities and positive educational opportunities in a broad sense may result in a refreshed, better equipped individual when the next job is found, rather than in a weakened, discouraged and less efficient worker.

There is an apparent danger that in this shifting of responsibility the unemployed individual may become pauperized. No system which maintains a worker in physical and mental efficiency during idleness can have this result to the same degree as one which allows him to deteriorate and lose physical and mental efficiency. Nevertheless, he should be made to feel his own responsibility toward the agency that has assumed the risks of his unemployment. A work requirement clearly sufficient to pay the costs of the advantages received is one means of avoiding any pauperizing tendency. If this is impracticable, the individual should be obligated to repay this expense when he is once more employed.

Many periodical drinkers may be classed as temporarily dependent during lapses from sobriety for the reason that during the greater part of the time they are self-supporting. Their contact with social agencies usually occurs immediately following a periodical spree while they are still recovering from its effects. The victim is invariably repentant. Advice, moral suasion and "preaching" at this time are usually quite useless, as the convalescent will go farther in his self-denunciation than the social worker in his "preaching." The first necessity is to restore him to a condition of physical efficiency. Good food, sleep, rest and fresh air are

essential. When he is once more ready to take work his choice of a position becomes of utmost importance. Factors of his old environment may have been responsible for his downfall. If employment can be obtained where these factors do not exist, the next spree may be averted. Even if sprees continue, but the intervals between them are lessened, there is a net gain for society and the individual.

It may even be necessary to accept our patient's periodical necessity for drink as a fact, and attempt to arrange his employment so that it may be obtained without interference with his work. The following example is in point. A male stenographer with whom the writer is well acquainted lived for some time in a charitable institution where he was employed. Because the head of the institution was both employer and landlord, sobriety and good behaviour on seven days per week were required of employees. Each few weeks brought the stenographer's inevitable fall from grace. Finally, when all interested in his case despaired, he obtained a position with a commercial house where employers cared nothing for his habits outside of working hours. For two years he has continued to give good satisfaction to this firm, has not missed a day and has received promotions. The interval between Saturday noon and Monday morning has been sufficient to enable him to follow a drinking schedule that has not interfered with his work.

6/2/21

The writer views pragmatically the question of religious influences in the case of drinking men and women. Without doubt there have been many complete and successful "conversions." On the other hand, I have known a number of men who were most devout testimony-givers at mission services who were elsewhere loud in their blasphemy and religious ridicule. Likewise, I have known deeply religious men to be hopeless inebriates. Where early environment affords a basis of appeal, religious instincts may prove an effective starting point for rehabilitation.

Applications are continually received at the Municipal Lodging House of New York from hospital convalescents, pre-confinement cases and dispensary patients. The first have often been discharged prematurely from over-crowded hospitals. The second and third ought many times to be admitted to a hospital but are excluded for the same reason. In the meantime the problem is forced upon agencies for the homeless.

6/2/21

These cases emphasize the necessity for a competent medical examiner on the staff of the agency for homeless. Our Municipal Lodging House physician must continually assume the rôle of an advocate. He must prove clinically, and sometimes dialectically, that certain homeless inmates are sufficiently ill to make their admission to the hospital imperative. This situation is vaguely understood by many of our homeless applicants, who come to us requesting to be sent to hospitals. Convalescent, dispensary and maternity cases should be provided with light work suited to their physical conditions. Great care is essential, however, lest overwork result.

THE CHRONICALLY DEPENDENT

Very few persons who have once become chronically dependent ever regain a place among the self-supporting. The result is possible by intensive personal work with a minor number of cases. The study at present being given to the problem of reabsorbing war-cripples into industry will doubtless shed much light on the possibilities of rehabilitation of certain types of chronic dependents. "Shell shock" and battle wounds undoubtedly have their counterparts in occupational disease and industrial accidents. The development of plans for training war-wrecked men and finding employment openings suited to their individual handicaps, will be of quite the same advantage to men who have been similarly wrecked in the struggles of peace.

The aged and infirm are conspicuous among the chronically dependent. It is customary to consign them promiscuously to the almshouse. Yet many of them to avoid this "disgrace" are attempting under terrible handicaps to remain self-supporting. Employment may be found for some in positions where age is no great detriment. The first placement made by the Employment Bureau of the New York Municipal Lodging House was of an elderly woman who was to have been sent to the almshouse. She is still in this position. There are many such cases.]

In spite of these possibilities of delaying the inevitable approach of death or complete dependency, the majority of the aged and infirm men and women who appear at institutions for the homeless must be sent to the homes for aged and infirm. A great deal of tact, good judgment and sympathy is often necessary to persuade these pitiful individuals that this is their only possibility.

Men and women with physical handicaps are infrequently doing the work for which they are actually best fitted. A man who lacks an arm or fingers may be trying to make a living by trucking in a freight house. Men with weak eyes register for positions as clerks. The struggle for existence is severe and discouraging for those who are thus handicapped, and who have no one to guide them into employment for which they are better suited. Great care is required to prevent them from following the easy road into mendicancy,—a road continually opened by the unthinking but well-intentioned almsgiving of the public.

A desirable readjustment of employment may sometimes be made in a placement agency. The weak-eyed clerical worker may be led to discover that he is adapted to employment where the intensive use of sight is not essential. The one-armed longshoreman may be given work as a watchman where the loss of an arm is not an important disqualification. If the handicap be serious and the individual discouraged or unenterprising, however, the assistance of special agencies may be necessary. The New York Lighthouse for the Blind, The Association for the Aid of Crippled Children and The Old Men's Toy Shop maintained by the Association for Improving the Condition of the Poor have demonstrated something of what may be accomplished in readjusting the lives of the handicapped.

Mental deficiencies are responsible for much chronic dependency. Many instances might be cited of morons and even medium grade imbeciles, aimlessly drifting from one social agency to another over extended periods of time, without any attention being paid to their mental conditions.

During the early spring of 1914 the writer lived for a number of days in the New York Municipal Lodging House disguised as a homeless applicant. While he was employed one morning upon one of the institutional "work details" to which he was assigned, his attention was attracted by a boy whose physical degeneracy and mental feebleness seemed apparent at the most casual glance. The boy stated that he was twenty-one years of age and had just been put out of his father's home in Long Island City. His responses showed the mental development of a child. Two years later, after the writer had become Superintendent of the Municipal Lodging House, the self-same boy was observed one night at our registration

window. Inquiry developed the amazing fact that for these two years he had been drifting about the streets of New York, working at occasional odd jobs, a frequent applicant at social agencies. Yet never in that time had any one taken the trouble to have his mentality tested. The mental clinic to which he was subsequently sent classed him as an imbecile with a mental age of six years!

Whenever mental deficiencies in a patient are clearly established, institutional care under strict supervision is the only satisfactory solution. But the insufficient capacity of appropriate institutions renders the solution unavailable in multitudes of cases. When the commitment to institutions of morons and harmless psychopaths has been impossible, we have found it of value to send them to employment in menial capacities in public hospitals with the full coöperation of the hospital authorities. Although employees, they are then under an informal supervision by superiors of professional experience.

Where habits of drink appear to be the predominant factor among the causes of chronic dependency, we must again turn to institutional treatment as offering the only probability of cure. But available facilities for homeless inebriates are even less adequate than facilities for the feeble-minded. The City of New York provides a farm colony for inebriates and drug addicts at Warwick. This is the only public establishment in New York where farm colony treatment for inebriety may be obtained. Yet it has a permanent capacity for one hundred men only. The Municipal Lodging House could furnish this number of men who need its method of treatment on almost any day of the week!

Mental deficiency, illiteracy and alcoholism are sometimes combined together, in varying degree, in a single homeless individual. No one of the three factors may be sufficiently pronounced to make possible specialized treatment for that handicap alone. Yet in combination they produce an individual of general incompetence who seems quite hopeless as a subject for constructive effort. Many of these general incompetents are the products of child-caring "homes." Condemned to institutional existence at the beginning of their lives, as adults they appear to have no potentialities for anything better. Some were constitutionally inferior at the start. They have insufficient ambition or persistence to follow of their own volition any program which they, or someone

for them, may outline. Foreible commitment to a farm colony and vocational school constructed after the Swiss type would offer the best means of benefiting the individual and making him self-supporting. There is idle agricultural land in abundance for such colonies, while the importance of increasing our agricultural output gives a powerful additional argument for their establishment.

Proposals for the creation of such colonies were made in New York last spring. The proposals contemplated the use of the Municipal Lodging House as a clearing center from which individuals in need of farm colony treatment would be presented to the magistrates' courts and by them committed on indeterminate sentences to the farm colony.

THE PARASITIC

Many men and women, normally self-supporting and independent, will become temporarily parasitic under certain circumstances. The migratory worker en route to the harvest fields is an illustration. Valuable and respected employes of the Municipal Lodging House when drinking have been seen begging promiscuously upon the streets.

A large minority of homeless men, therefore, are occasional beggars, as well as occasional applicants for charitable assistance. But the professional mendicant is seldom seen at charitable agencies. He is invariably "wise," and can "work the public" much better. Furthermore, his income is usually sufficient for his support.

The need or desire for obtaining money without work is undoubtedly the initial occasion for mendicancy. But this desire soon becomes only one of the impulses which keep beggars at the trade. Mendicancy has its roots in gambling instincts and it satisfies a certain craving for adventure. The constant possibility of a large gratuity, the never ending speculation as to the next benefactor, the fascinating game of "hide and seek" with the police, all give to the mendicant's life a daily feverish adventure, the counterpart of which is found only in gambling, prospecting, and other hazardous occupations.

Since a thirst for adventure in the mendicant's soul is satisfied by his manner of living, no mere assurance of a livelihood equal to or exceeding that which he obtains from begging will suffice to

wean him away from it. Only a legitimate occupation offering the equivalent in chance and adventure will serve the purpose. Many street trades do offer an approach to this equivalent. A news-stand where the crowds are surging past may prove the means of restoring the mendicant to productive life. In the cases where age or extreme physical handicaps render self-supporting employment impossible, the mendicant must be committed to an almshouse. Severe measures, if necessary, are justified to break up the wasteful and fraudulent practice of street begging.

The "I won't work," at least among the lower strata of society, is largely a popular superstition. I have seen very few men, not classed as mendicants, vagrant psychopaths or mental defectives, who would not work under conditions which they considered to be just. Not long ago it was generally believed that some men and women preferred unemployment, homelessness and hunger to honest labor. This opinion seems to have been definitely abandoned by thinking people. In January, 1915, 2,500 homeless dependents were sheltered in the Municipal Lodging House of New York each night. This population was reduced within eighteen months to little more than 100 per night. The same relative reduction occurred in similar institutions throughout the country. It is very evident that the great majority of the alleged "I won't works" of three years ago secured work and are still employed. Yet this rule, like all others, is occasionally proved by its exceptions. It is sometimes found necessary to refuse the privileges of the Municipal Lodging House to men and women who will not avail themselves of honest opportunities for employment.

The charity rounder, the last of the parasitic types which I have particularized, is usually a rounder because he has never learned to do anything effectively. He follows the easiest way. When placed at some simple task within his experience and intelligence, he may serve faithfully and well over considerable periods of time. Definite training for simple tasks, followed up by careful supervision when employment is obtained, may definitely remove him from the parasitic class.

The methods of case treatment described above are crude and undeveloped. We have hardly gone further than attempts to define our problem. Among the human gains that may come from the world war, will be new and better methods for the treatment

of the homeless. For still greater gains may we hope: that out of the slaughter may come a new estimate of the value of human life; that homelessness as a condition demanded of workers in return for existence may be banished; that the right to normal living may become imbedded in the social conscience of our people.

ALCOHOL AND SOCIAL CASE WORK

BY MARY P. WHEELER,

Secretary, Clinton District, New York Charity Organization Society.

Like all other problems in social case work, the problem of the excessive use of alcohol is seldom if ever found alone. It is almost invariably bound up with other complications. Granted that either the father or the mother of a family uses alcohol, there is inevitably connected with that fact a chain of events which often brings social, physical and mental problems with them. We are frequently so engrossed with the fact that our clients use alcohol to excess that we forget to see the other problems involved; or we may see the other problems first and come to the fact of alcoholism after much time has been spent planning for the family's welfare along other lines. In our investigation in all cases we should be building up a group of facts both physical and social which when put together should forewarn of a possible hidden drink problem.

The combinations of problems in which drink is a factor which seem to occur most often are drink and immorality, drink and a mental defect or mental weakness, and drink and a physical defect. The following example illustrates the first combination:

Through failure to provide for his wife and child, Mr. D. who was obviously a drinking man, had lost a good home. The family was found living in a miserably furnished room. The investigation confirmed the story of degradation through drink. There was a painstaking period of treatment which included both institutional and home care and also the religious influence of his church. It was learned finally, instead of at the outset, that Mrs. D. was also a drinker, a secret one, and immoral. As Mr. D. had no confidence in his wife, there could of course be no real incentive for a home. The mixed problem should have been recognized at the beginning.

In the following instance we have an illustration of drink and a mental defect.

Mrs. W. talked freely of her condition and admitted she could not take alcohol without its immediately affecting her. We knew her husband earned good wages, yet we found them living in a basement, having scarcely any furniture. It developed that a sister continually tempted Mrs. W. to drink and the husband himself deliberately brought alcohol into the house. But most important, we found that Mrs. W. was worried because she "heard voices." We then took her to a mental

clinic where she was given medical attention and careful advice. Her interest was aroused in freeing herself. She insisted on staying at home, attending to her house and children. In a frank talk with her husband we made him face the fact that he had been doing a large share in dragging his family down. With everyone working together with equal knowledge of the facts and the goal to be reached, this family won out. Surely, however, this was not a simple case of a drink problem.

In the third case, Mr. X. said he drank because he felt sick all the time. We found the real trouble was tuberculosis, following years of drinking and unsteady habits. The plan of treatment was not made primarily for the man who drank. It was for the man with a communicable disease. It is indeed imperative that treatment begin with a correct diagnosis.

If it is true that the problem of alcohol is seldom if ever unattended by other complications, it follows that one can never generalize regarding the users of alcohol. The principle of individualization of treatment applies in this field as in every other field of social case work. Our plan of treatment is further complicated by the fact that the user of alcohol is often a member of a family group which must also be taken into account. Too much stress therefore cannot be laid on the importance of studying the client, of getting to know his background socially and physically. Although much may be learned from our client himself, it is often preferable to gain much information before any decisive interview with him takes place, in order that the worker may be more free at that time to begin treatment. Such information should include knowledge of whether this is his first breakdown or whether he has made and forgotten good promises before. The age of our client is another important factor. If he is young, he has no doubt taken to drinking for social reasons, or to try to prove how manly he is. If he is middle-aged, it may be the result of a social habit formed in his youth. If he is older, he may be trying to forget that he is past his best working period or he may be trying to keep himself stimulated to compete with younger men. If our client is a woman, this should be gone into even more carefully and special attention should be paid to her nervous organization.

While in most case work it is considered best to interview our client in his or her own home, in case work with the man or woman who drinks, it is usually wiser to plan for an office interview. The elements necessary to make an interview successful are privacy,

lack of interruptions, feeling of freedom, candor, openness and plenty of time. In the office the worker can better control the situation to include these desired elements and can also bring the interview to a close at the psychological moment. The atmosphere there is more conducive to coming to conclusions. The drinker, if he is a man, must feel the thrill in carrying out an agreement made in a business-like manner. His pride is aroused. He feels in a very real sense that he is chiefly responsible. Such a sense of responsibility, strengthened by simple encouragement from someone in whom the client has confidence, is one of the most potent factors in success.

A vital principle in working with individuals who drink, as in other forms of case work, is to work *with* the individuals in question, allowing them every opportunity to express their own opinion as to the difficulties in which we find them and helping them to make their plan for the future. Our treatment should as far as possible be based on their plan, or if we cannot accept their plan, we should make every effort to lead them to our plan so gradually and carefully that it becomes their own. The following will illustrate:

In the past we had been good friends of the G. family. We had not seen them in some time, however, till Mr. G. came in of his own accord to tell us about the days of hard drinking which had preceded his waking up to find his family literally broken up and separated. When asked his plan for the future, he shot back a reply which showed that his experience had really touched him, and that it had vitalized him into making a plan to which he had mentally committed himself. Its chief elements were change of habit, a new routine of life and the objective of a reconstructed home. His wife, broken down from overwork and worry, was in a hospital. His children had been taken by the S. P. C. C. Because he felt that the responsibility was all his, he wanted to start off immediately trying to rectify his errors. His plan was sound in every respect and we co-operated with him to the end of making it possible for him to succeed.

In the case of Mr. B., his plan included the breaking up of his own home, having his wife committed through court for a cure, having the S. P. C. C. take his children in order to bring his wife to a realization of her responsibilities and opportunities and banishing himself and his oldest son to a furnished room life until the family could be reestablished on a firm foundation. Getting Mr. B. to put into words the long road ahead of him was perhaps the biggest possible help both to himself and to the case worker.

In making our plans for the individual who drinks, we find two possible lines of action, care at home or institutional treatment. Before we decide on either course of action, we want to have our

facts very clearly in mind. In his Report of the Inspector under the Inebriates Act for the Year 1909, Mr. Branthwaite places every alcohol user in one of three groups. They are as follows:

1. The occasional drinker, those who are strictly moderate in their indulgence.
2. The free drinker or occasional drunkard, those who drink more freely than is consistent with strict moderation or who are occasionally drunken.
3. The habitual drunkard or inebriate, those who are habitually drunken or being usually sober, are subject to occasional outbursts of uncontrollable drunkenness.

It is the individuals who fall in the first two classifications who give us our best opportunity for care at home. This plan of treatment undoubtedly has some disadvantages which must be realized at the outset. For example, we are hampered in a large city, no less than in a small community, by the attitude of the public towards the persons who are trying to cure themselves at home. On the one hand, there is the public which sentimentalizes; on the other, the public which is harsh and sees no hope for the drinker. Both of these attitudes are manifestly unfair to the individual; we must seek to educate the public, on the one hand asking people to give the individual a chance, on the other, expecting them to hold the individual up to standards, to demand of him that he attain the best of which he is capable. There are, on the other hand, undoubted advantages in home care of which we must take account. Among other things, the individual's pride and self-respect are saved; there has been less of a break with the past; there are fewer explanations and apologies to be made. This applies especially in regard to the children of our client, particularly the younger ones. Above all, if the individual can remain in the home and continue in the support or care of the family, the psychological effect is very great. Such a course of action builds up self-confidence and self-respect, both of which are vitally important.

Weighing the advantages against the disadvantages, we still can not choose home care unless we are sure of other facts. Is such a plan conducive to the welfare of the family as a whole or will the family life be materially injured? Further we must be sure of the sincerity of our client in his effort to get hold of himself and we must be sure that we can direct his plans, if not actually control them. We must be sure that we have the needed resources to make home

care a success in the given case. First among such resources is the proper medical care. It is vital that from the outset we know the physical condition of our client in order that we may build up his or her health in every possible way. The plan of a good physician for sound health must be the foundation stone on which we build up our other plans for treatment. Special medical treatment may also be used, depending upon the needs of the patient. Mr. Branthwaite, however, does not believe that any of the cures for alcohol have an inherent value. If the patient believes that the drug will cure him, then by all means try it. This belief will strengthen his will. Other resources sometimes tried are suggestive therapeutics, electrical treatment, hypnotic suggestion and religious influence. With some this latter may be a strong help; with others the gospel mission may do better work.¹ Above all, interesting and remunerative work and relaxing diversions are invaluable. All these resources may be tried in the effort to gain our end which is the ability of the individual to break his past habits and to establish self-control. "There may be more control there than anyone thinks," says Branthwaite. "Awake the dormant self-control."

It is the persons who fall in the third classification above quoted who constitute the group for whom institutional care is most often needed. It is therefore essential to have clearly in mind the characteristics of this group. Dr. Irwin H. Neff of the Norfolk State Hospital, Massachusetts, says that inebriety is an expression of nervous weakness and that upon this weakness is founded a habit which we call drunkenness. In other words, there is in the inebriate a definite pathological condition which predisposes him to an excessive use of alcohol if he drinks at all. It is possible that inebriety may be acquired by long continued indulgence but usually inebriety is inherited as a nervous condition, remaining latent or becoming evident according to circumstances of habit and environment. Dr. Neff concludes that inebriety is a definite disease and must be treated as such, although much can be done along the line of establishing new habits and by personal influence as in the case of both the occasional drinker and free drinker. Because there is a definite pathological condition in the case of the inebriate, his or her only hope lies in having the possibility of drinking entirely removed, at

¹ For a brief discussion of the value of gospel mission, see American Red Cross Publication 200, July 16, 1917, pp. 41 and 42.

least temporarily. It is for this reason that institutional care (including farm colonies) is advisable for this type of clients. The place of institutional care in the treatment of inebriety has been so well covered in the article on "The Practical Treatment of Inebriety in a State Institution" by Irwin H. Neff² as to make further discussion unnecessary here. The reader will there find a full discussion of after care in which work all the skill of the finest type of social case work is involved.

In all types of cases in which drink is a factor, be they the occasional drinker, the free drinker or the inebriate, it is essential that there should be given to the man a definite objective in life to help him overcome his battle with drink. This objective must be chosen with a full knowledge of the possibilities of the individual and must never be beyond his reach. It is needless to add that the objective should be such as to call forth the very best efforts of the client, awakening his imagination and arousing him to a new life.

² Proceedings of the National Conference of Charities and Correction, 1915, pp. 396-407.

THE IMMIGRANT FAMILY

BY EVA W. WHITE,

Director, The Extended Use of the Public Schools, Boston.

The test of a good case worker is found in the many-sided field of social treatment as it relates to the immigrant. Not only is high skill demanded in analyzing personal difficulties but a knowledge of the customs and traditions as well as the inner hopes and aspirations of the immigrant is also imperative.

It is agreed that only a beginning has been made in social diagnosis in general, but it is not so certain that the same humbleness of spirit exists in regard to the plotting of a plan of action in relation to our foreign residents. Else why are so many philanthropic organizations found in immigrant communities still carrying on their case work in the rudimentary, undifferentiated fashion of considering certain human traits to be so basic that reactions are identical whether a man be a Russian or an Armenian, a French Canadian or a Pole? Societies recognize the fine gradations of analysis that are coming to be required in getting at the variations of mental power and of manual aptness. They draw on the knowledge of the psychiatrist, the psychologist, the vocational counselor, and yet most of these same societies meet the problems of the immigrant apparently in complete innocence as to the play of dominant racial experiences.

There has been a curious lapse in this respect in the building up of case work technique. In going about the country the writer has been interested in inquiring in regard to this question of specialization in case work for the immigrant and it would assist the general cause considerably if readers of this article would do the same. It will be found that in the majority of our large industrial areas where the issues, both personal and social, are intense, as well as in many of the foreign sections in our cities, organization after organization is functioning almost exactly as it would function in an American-born community. Two or three of the more important members of the nationalities living in the towns or districts of cities may serve on committees or boards of management and interpreters may be

used, but the executives who are intrusted with leadership will be found far too often to have had no experience that fits them to understand European customs. They have neither traveled abroad nor resided in local foreign colonies, and often they are amazingly lacking in an intelligent grasp of the fundamental issues involved in the adaptation of the personnel of their districts to the requirements of American living. Maximum results in the way of assisting the immigrant and his family will never be obtained so long as this holds true, nor will the community be stimulated as it should be.

It must be said to the credit of social work that in certain of its branches it has shot ahead of education. Americanization societies, immigrant protective leagues, and travelers' aid groups have shown how inadequate school work for immigrants has been and is. Cruel as much of the hyphenated American propaganda was, it roused the country into realizing what it had not done and an important part of the national defense program is now concerned in working for the best interests of the immigrant and, therefore, of ourselves. Night school procedure is gradually changing. Day classes in English and in other branches of study are operated for the benefit of night workers. Far greater attention is paid to instructing the non-English speaking mother. The schools are throwing their doors wide open for lectures, forums, civic clubs and discussion groups, as well as for musical societies, so that the thought life may be expressed and the refining elements of dormant art consciousness may be developed and brought out.

LARGER ASPECTS OF CASE WORK

The war has caused the question of immigration to be faced squarely, and every social, civic or philanthropic society that has had to do with the immigrant should take account of stock. The arguments pro and con for immigration are many. Economists take sides; the sociologists are not in one camp; those who are interested in political science are found to be divided. Among the general citizenship are those who believe in restricting immigration and those who do not. Where do the social workers stand? Sentiment, intuition, generalizations by only a few observers over only short periods of time will not help. Massed experience in which the varied elements of physical standard, mental power, industrial success, political effectiveness and ethical outlook are gauged not as sepa-

rate ends in themselves nor through abstraction but in the blend of personalities known, is the contribution demanded of social workers. Social workers may well ask whether their case work is in the hands of persons with the requisite breadth of understanding. Is case work so organized as to give the necessary data? Is the range of contact of secretaries such as to enable this data to be interpreted in its relatedness, not merely from the point of view of the individual but in order to contribute to problems such as the immigrant and labor, the immigrant and the race stock. These are some of the larger aspects of case work.

It is not the object of this paper to stand as an essay for or against any of these opinions on immigration but rather to point out that the case worker who does day to day work in immigrant communities and who is not viewing each day's experience as material to assist in the shaping of public policy toward the alien, not only negates social work but also becomes a deterrent factor in the progress of our knowledge of a subject which has untold influence on the future of America.

No society should be satisfied with a worker whose results are merely tabulated by jobs found, medical assistance given, or the number of children's difficulties that have been straightened out. A certain proportion of successful results is to be taken for granted by any one who has been trained for a calling. Efficiency comes from what is played up out of personal contacts. Here is where a case worker falls down unless the tangled scope of the immigration problem is clearly sensed and unless the bristling questions that are being faced by outlying sciences as they play into the field of social work are understood well enough to be tested by each individual need or family necessity.

For example, what policy does the worker advocate in regard to industrial adjustment as a result of experience with out-of-work cases? How do the immigrant cases differ from similar cases which involve the American-born? What is the statistical comparison of disease between a given race and the American-born? If the immigrant is more resistant than the native-born, why? If less resistant, why? Do local case histories tally with available statistical material? If not, why? A contribution may be lurking in such a search for fact within the range of the sphere of the case worker.

PROPER QUALIFICATIONS FOR CASE WORKERS

Granted that this interplay between the actual needs of men and women is known and that the issues involved affecting our social structure are recognized; granted that the method is adopted of analyzing each person's difficulties in the light of the group problems of a given nationality; and granted finally that so wide a responsibility is assumed as that of attacking such an assumption as national deterioration in the light of local knowledge,—a question still arises as to the qualifications and training of persons who are to serve public and private agencies in the field of action of the immigrant. As to the personal qualifications of a worker with immigrants, certainly there should be no ray of prejudice. The worker who is so caught by the romance of difference as to see every immigrant problem in high lights is quite as much against the cause of the immigrant as the one who cannot shake off the shackles of Anglo-Saxon provincialism. In other words, the balanced, scientific mind that searches and waits is of importance: not, however, the scientific mind of the recluse but of the individual who lives with men.

Absolute science plays its part on the elemental plane; beyond are all those ranges of thought and association which make our civilization, the change of emphasis of which can only be known by close contact with people. If it be permitted to recognize temperament, a social worker with immigrants, more even than those in other fields, should have that intangible power of winning confidence and of rousing belief in self which breaks down all barriers and brings about understanding on the basis of human nature. This is especially important in the case of a worker whose race stock is different from the race stock of the community which is served.

This leads to a mooted point. Which will do the better, a person whose parentage reaches back far enough to be considered a real product of our country or one who, if not an Americanized immigrant, was born in this country of immigrant parents? If it were positively stated that only Italians should work among Italians, Bohemians among Bohemians, such a statement would be far afield. This error is made by certain societies organized on a racial basis. On the other hand, society after society in this country is crippled because the staff is made up of persons with no affiliations with

the racial groups among which they are working. The fact of the matter is that a member of a given race has certain marked advantages over a person not of that race. The ability to talk freely in a mutually understood language, appreciation of a common tradition, the understanding of racial or religious customs, are tremendously important and are of immediate advantage in the first days of confusion and inquiry when the immigrant arrives in this country. As soon as the immigrant has gained a footing, however, another consideration enters in and that is the obligation to bring the immigrant into such contact with Americans and American ways as will lead to an appreciation of the American outlook.

The history of the Slavs has made the Slav. The history back of America has made the American. It is incumbent upon us that we understand those who come from Europe. It is equally necessary that they appreciate the type of person born and bred here for generations and reared under our institutions. This is fair play and the faults of both in relation to our country can only be eradicated by mutual coöperative effort based on understanding; and this cannot be brought about at arm's length. Therefore, the person of American descent whose background of experience justifies the claim of understanding the alien, has a place on the staff of societies organized to assist the immigrant.

When residents of a locality take the attitude that no straight American should be engaged in their district, they are to be condemned as missing an opportunity, not only directly for themselves but also in the way of interpreting their contribution to that larger circle called the public on whom after all their welfare depends. The ideal combination of workers would include both persons who have immigrant ties and those who have not. Under no consideration should a person be made a secretary for the mere reason that it is thought advisable to have a representative of a certain racial group on the staff for that reason alone. Standards of efficiency have too often been let down when it was decided to appoint persons who are members of alien groups so that truly representative agents have not been chosen. The foreign-speaking agent should have inborn qualities of a high order and should serve an apprenticeship over a period of time long enough to know well the resources of a community. Certainly no novice should ever be plunged into an immigrant district. A secretary not of European parentage should not

only have a wide range of experience in case work but also the asset of long-term residence in a foreign colony in order to appreciate the norm of a race and also in order to know the special difficulties the immigrant meets with in this country. This subtle understanding does not come in one week or two.

The training of a case worker among immigrants should be concerned not only with the usual methods of social diagnosis and treatment but with the working of the institutions that have been organized particularly for immigrants. The operation of our laws should be studied and tested. What public officials can and cannot do should be known. No one should begin to do case work among immigrants who is not thoroughly familiar with the method by which aliens are admitted into this country and guided to their destinations; with the operation of the courts as they affect the immigrant; with the steps that lead to citizenship; with the employment offices as they serve in getting work. The weak and strong points of both public and private agencies must be known and a person should have become expert in using available resources or in supplementing the same before an appointment as an executive can be expected.

TYPES OF IMMIGRANT PROBLEMS

Compared with case work in the main, individual and family immigrant problems that an agency is called upon to face are not of the degenerative type. The immigrant gets into trouble and needs assistance most often because of a failure to understand American requirements or because of imperfect adaptation to our conditions. Of course, certain immigrants drink to excess. Of course, there are the shiftless among them as well as those who neglect their homes and those who fail to go forward. Sickness, too, plays its part in our case work for the immigrant. In general, however, it can be taken as a fair presumption that the needs of immigrants who apply for aid can be discovered with comparative ease and that the proportion of successful results to failures will be high. This statement should not for a moment be taken as inferring that our native stock presents more difficulties or difficulties of a kind that do not yield to ready solution, but it must be frankly admitted that those who are native bred will not go to a charity except as a last step.

On the other hand, the immigrant tends to turn to local agencies for assistance for no other reason than to be sure that the right track has been chosen. This is more and more true now that the races coming to us are finding us far different from themselves. The immigrant arrives with a humble trust in the helpful personal interest of Americans. Even police officers are often asked to decide upon the most intimate matters of family policy. In short, a worker among immigrants can take it for granted that an immigrant in entering an office has come for information or guidance as such, that there is no drag of personal weakness or broken ties of family or group to be faced in the majority of instances.

An illustration. A man out of work and physically run down had been working as an unskilled helper in a factory. Wages at the time he was interviewed were \$2.50 per day. He had been in the United States two years and said he had been a draftsman in Europe. The man was given a pencil and to the surprise of the agent drew the picture of a cottage in which he had lived in Italy and when asked how the rooms were arranged in the cottage, drew a floor plan. The man was asked if he was in need of money. He replied that he was not but he was greatly worried because he would be in a couple of weeks. He said he had heard that the agent could help him to get another position where his work would not be as hard.

Action on the case. An appointment was made with an Italian physician who reported that the man needed rest and that he was unstrung nervously because he did not like his work which had been too heavy for him. An architect was telephoned to. By a stroke of good fortune he said he would see the man.

Result. Eight (8) years from that date, the family was living in a suburban home which was being paid for through a coöperative bank.

It is to be noted in connection with this case that very few questions were asked. The record might be considered incomplete, yet certainly the art of a good case worker consists in knowing what not to ask quite as much as what to ask. With immigrants it is of prime importance that their confidence be won. Great care should be taken not to cause self-consciousness through too close an inquiry into personal affairs. Many an immigrant has been turned aside by too incisive a method on the part of case workers, and the uncoöperative attitude of immigrants who have been in this country for a time is undoubtedly due to prejudice engendered by the lack of appreciation by an agent of the need of care in a first approach. It would be a fair guess to state that societies in which immigrant needs factor largely, will testify that 90 per cent of their cases will revolve around such matters as advice regarding where work can be

found, or better jobs obtained; questions as to our savings institutions; problems involving their own desire to learn English and to educate their children; matters concerned with sending for relatives or getting in touch with members of their families who are supposed to have arrived in this country or are expected; questions in regard to becoming citizens and matters which concern medical care. Immigrants need to be told where to go for work and to be put in touch with the leaders of their race who can be trusted. They need to be directed to public agencies that will assist them, such as immigration bureaus, night schools and recreation centers, and the skill with which this is accomplished means everything for the future of those who come to us. Every inquiry carries with it the responsibility of so answering that the immigrant leaves with a clear understanding of the matter in which he is interested and feeling encouraged to return if again puzzled.

Enough has been said to make the point that in immigrant case work more frequently than not the problem is one of putting persons in touch with resources that are unknown to them. The immigrant comes to us strong, eager, ambitious. Give him a chance and he will do the rest. Difficult personal idiosyncrasies do not play a large part in case work with the alien nor does family discord. Would that the same were true of the second generation!

THE SECOND GENERATION OF IMMIGRANTS

Our contact with the immigrant straight from the old country convinces us that he is seldom unable to care for himself. His children, however, are found on our relief lists and in the ranks of the unemployed to too large an extent. No fair-minded person can lay this fact to anything other than our own American neglect. Two lines of effort open up here for the case worker.

First: a far more refined fitting of individual ability to opportunity than has been carried out and a more drastic attack on certain environmental conditions which weigh heavily upon the immigrant. At present the immigrant is fed into industry as nothing more than a unit of man power. The time is approaching when the government employment agency will use the vocational method of considering special aptitudes for particular jobs. Immigration brings in a mass of unskilled labor, it is true, but there have been hundreds of instances of men whose skill as machinists or craftsmen

has been wasted because they have not known where to go for guidance or because an employment agency has not taken the pains to consider anything but the fact that a man needed work and that any job would do.

Not only are the government employment agencies moving on toward the point of greater care in classifying workers, but industry itself is concentrating on lessening the labor turnover and is engaging persons to test out special ability.

Further, considering the European environment from which certain of our immigrant groups come, it is essential that we get those with an agricultural bent out on to the land. Although some gain has been made in this matter of distribution during the past few years, we have only begun to attack the problem so that the case worker with immigrants will find a fertile field in this direction for individual suggestion and individual encouragement.

Case work records of an agency tell their own story of difficulty. They present the effects of heredity, the overpowering result of disorganized family life and the insuperable difficulties of environmental conditions. With the immigrant we find not so much difficulties of heredity as lowered family unity. We find bad housing, the evils of congested areas and industrial exploitation playing their part in breaking down the natural mental power, moral rectitude and physical tone of the immigrant. Since this is true, efforts to assist individuals stand indicted unless, coupled with these, case workers use every means for attacking environmental handicaps.

A native of this country is often not in close enough touch with European family standards to realize fully how very important it is to go back continually to the family relationship in given individual difficulties or in thinking out a plan of action for a boy or girl, man or woman. Two extremes are often faced in immigrant situations: the instances where persons have no relatives in this country and so are free from all family restraints, and the instances where family dominance is so strong as completely to submerge the individual and create an almost insuperable obstacle to necessary freedom of action.

The case worker should work sympathetically with the latter situation, remembering how important a part the family has played in the history of certain foreign races and in a negative way reasoning back from forms of anti-social traits which, particularly in

young people, develop because parental respect and the ideal of the home circle has broken down. The family ceremonial should be honored and interpreted to our young foreign citizens in its American setting.

IMPORTANT FACTORS IN THE PROBLEM

It is never safe in any form of problem not to reason from the physical, mental and the moral responsibilities of a person back to assets or defects in family situations as well as to consider the helps or handicaps that may spring from association. With the immigrant the surrounding groups of which he is one are all important. Custom has at once a binding effect which may need to be modified and at the same time a protective influence that must be brought to bear on many a situation, and in this regard no two nations are alike. There is all the variation of temperamental reactions as well as traditional code. A case worker is treading on dangerous ground unless these distinctions are recognized.

With a person who has no family ties, the building up of acquaintanceships among those who have enough at stake in a neighborhood to be acted upon by public opinion cannot be brought about too quickly. It is more and more coming to be accepted that the judgment of one's peers acts as a centripetal force in holding one up to accepted standards of thought and action. When persons are free from the obligations of family and are outside the pale of the effect of community requirements, a decidedly unnatural situation is created. Example after example could be given where the building up of community ties has swung persons from danger into resistant self-assertion.

By way of summary we may say that aside from the usual identifying data of the name, address, et cetera, which need not be detailed here, it is essential not only to get the country from which a person comes but also the section of the country. Occupational circumstances should be gone into carefully since in many parts of Europe lines of work may be similar to lines of work here and yet vary greatly as to the technical requirements and the conditions under which labor is carried on.

Moreover, it is not always safe to assume that an immigrant is uneducated, in its broadest meaning, even though he may have had little schooling. In certain sections, the folk organizations of the

people have for many years been such as to develop a depth of thought and a sort of philosophy, to say nothing of a practical kind of reasoning. Only a limited training in symbols of languages is needed to remove such a person far from the illiterate group. It must be remembered, too, that the importance of the church varies markedly in certain parts of Europe.

One of the most important considerations is getting at the reason why the person came to this country. These factors are extremely important in helping to bring out the right kind of assets in a case of need or to make possible connections with persons who would be willing to extend the advantages of good fellowship to a stranger or to connect a person with any of our organized forces of civic or social life.

In facing any given problem one reasons first in terms of the power of the individual. What has he within himself? What has been given him by nature? What has been added by training? What does he possess in the way of experience and how does he fit into his circle of associates? Then, what is there in the family situation which will push him forward or draw him back? What does the community offer in the way of giving play to the possibilities made apparent by these two lines of deduction?

THE SOLDIERS' AND SAILORS' FAMILIES

BY W. FRANK PERSONS,

Director General of Civilian Relief, the American Red Cross.

Although in the very nature of the case, soldiers and sailors are separated from their families, the Home Service of the American Red Cross reaches both the men, wherever they may be, and their loved ones at home. It is at once the means of sustaining the spirits of our fighting men and of preserving the welfare of their families. It is a tie that binds them together. Men may be the best soldiers in the world, but if things are not well with their families at home they lose efficiency through worry, and the morale of the army—that all-important factor—begins to fail.

So it is the patriotic duty as well as the humanitarian opportunity of Home Service workers of the American Red Cross to care for the lonely families of our fighting men. They *must* be encouraged to "carry on" without faltering. Their families must not be allowed to bear personal privation and so to double the willing sacrifices they have made. Every report from the training camps and from the French front mentions the excellent spirit of our troops. Will they maintain this morale while thousands of miles from home, through trench-life and battle, to the victorious end? The answer will be determined largely by the Home Service of the Red Cross, which must be the nation's assurance that no enlisted man's family will suffer for any essential thing that lies within its power to give.

There are representatives of the Home Service of the Red Cross in every training camp for soldiers and sailors in this country; they are with our troops in France; and their offer of help is on the bulletin-board of every ship of the Navy. They invite the confidence of the men, and win and deserve it. They learn of the anxieties of the enlisted men and of needs in their homes. Such messages are then promptly sent to the Home Service Sections of the Red Cross Chapters and their families are visited and helped. Then the encouraging news goes back to the husband or brother. He also is helped. That result is not hidden from those on this side the trenches. Daily letters are received like the following:

CAMP ———

December 10, 1917.

To the American Red Cross:

I wish to extend my sincere thanks to you for going to aid my wife and child whom I asked you to help last week. My wife wrote me that you came to see her. I highly appreciate that. *I can soldier better now.*

Yours sincerely,

No argument is necessary to show that Home Service must give the assurance that the soldier and sailor must have, if he is to do his best,—the assurance that in trouble or misfortune the Red Cross will do what *he* would do if he were at home instead of at the front or on the sea.

The Home Service of the Red Cross may assist, through morale, to shorten the conflict and so to lessen the consequences of battle, but it may do even more to save the social consequences of war at home. It may protect the homes left lonely and unprepared for emergencies; bring comfort and cheer to the homes left in anxiety and privation; safeguard the health of women and children; uphold the standards of child care, of working conditions and of recreation and education. So far as is humanly possible it may help to maintain the essential standards of home life, so that when the soldiers and sailors return from the war, their families shall be found ready to help and to encourage them to honor further the country which they have so nobly served. Nothing less than this will measure up to American ideals, and on these ideals the Red Cross has founded its conception and its plans for Home Service.

OPPORTUNITIES OF HOME SERVICE

Home Service is not relief in the sense of money payments or doles of food or clothing, though such assistance may be necessary even to the families of soldiers and sailors. The enactment of the War Risk Insurance Law, heartily advocated by the Red Cross, has placed the responsibility for financial aid in large measure upon the government, where it justly belongs. The provisions of that act make liberal money allowances to the families of men in the armed service. These allowances do not diminish but rather multiply the opportunities for usefulness of Home Service, though these were manifold before allowances were granted. Home Service is now able to turn its full power upon its own real task.

The greatest opportunity of Home Service lies in conserving human resources in the families left behind. The majority of these families are in position to maintain good standards of health, education, industry, and family solidarity without recourse to outside help of any kind. A considerable minority, on the other hand, find their powers of self-helpfulness strained to the breaking point by lack of opportunity, by ill health, or by the sudden changes in their way of living brought about directly by war conditions. In no instance must the standards and ideals of home life be lowered. The social consequences of war must be anticipated and all tendency to deterioration must be checked.

The second opportunity for Home Service, for which the government in the very nature of things cannot make provision, is relief in emergencies, such as temporary financial aid while legal claims are being adjusted, or while the receipt of a government allowance is delayed. The chief requirement here is promptness. This kind of service has not been a heavy burden, although the Red Cross Home Service undertook it during the first seven months of the war when there were no government allowances. In every instance Home Service is careful to continue its relations of confidence and friendship with the families it has aided in this way and to conserve the welfare of these families in every possible manner.

The third opportunity, like the first, will be not only a continuing but an increasing one. It is the giving of regular allowances, when needed, to those who have no legal claim to the federal allowances, but a moral claim to Red Cross interest, owing to the fact that they have been accustomed to depend upon men now in the service. Another large group, who have no legal claim on the United States government but who have been formally accepted by the Red Cross as a special responsibility, are the families resident in the United States of men who are in the armies or navies of our allies. This is no small matter. On Manhattan Island there are many hundreds of these families receiving Home Service. It is the aim of Home Service to discharge scrupulously in each community this duty to the families whose men are fighting side by side with our own.

The fourth opportunity for Home Service will increase in importance with each month that our forces are engaged in actual warfare. It relates to the returning soldier or sailor, more especially when he returns disabled. Whatever can be done through special-

ized hospital and institutional treatment will be done by the government, supplemented so far as may be appropriate by the Red Cross and by other agencies. The supremely important thing is the prevention of permanent disability. In this, many forces must co-operate. In so far as these forces are local, Home Service will have to carry forward the work begun in government hospitals and training shops. The non-institutional side, the readjustment to actual home conditions, the fitting of men back into industry after discharge, the interesting of individual employers, the organizing of local resources for further training, and the development of a helpful and stimulating attitude towards these men throughout the whole community,—these are recognized as definite Home Service tasks. It is not merely a just, humanitarian service to individuals, but also a duty to the country, to put forth every effort to conserve the energies of partially disabled soldiers and sailors, and to readjust them to civilian and industrial life.

The fifth opportunity for Home Service lies in the desire of relatives of enlisted men for information of many kinds. Already this service is widely extended through Home Service advising how mail should be addressed to soldiers and sailors; how information may be obtained concerning those sick, wounded, or missing; what the War Risk Insurance Law means and how to take advantage of its provisions. This work is being constantly extended and is saving untold anxiety and suffering. It will serve furthermore in a very substantial way to maintain the comfort and health of those families who have given their breadwinners and protectors to the service of their country.

Finally, a sixth opportunity for Home Service is to help families to keep pace, in ambition and achievement, with the man who is surrounded, often, with new chances for education and advancement. The growing importance of this work is realized by Home Service workers. Men who have had but limited opportunities in life are suddenly obliged to travel, to accept mental discipline as well as military discipline, and to associate with men such as they have never met before in close contact. And they are advancing. For example, one Home Service Section is now caring for the large family of a naturalized citizen who voluntarily enlisted as a private but who is already top sergeant. He has made good in remarkable fashion. If he should return home to find his family in the same

forbidding home life in which he left them, he would most surely be disheartened and discouraged. So the Home Service worker has moved the family to pleasant comfortable quarters. The wife and children have now the recreation and advantages which will insure a home life worthy of this soldier's ideals when he comes back.

ORGANIZATION

Concerning the organization of the Red Cross for Home Service, perhaps it is sufficient to say that the work is organized in each locality as a separate, distinct activity of the local Red Cross Chapter. As a part of the Civilian Relief Committee of the Chapter, there is constituted a Home Service Section whose membership is as representative as possible of various local interests—business, professional, church and social work. The Home Service Section is responsible to the officers of the Chapter for the proper conduct of its work in behalf of the families under its care. It decides matters of policy as to its own work; prepares and submits the budget required for carrying on its activity; employs the clerical and visiting staff; enlists its volunteers; organizes its office system and makes its own required reports to the Chapter and to the Department of Civilian Relief. Where the work is considerable, a Consultation Committee is appointed which includes persons engaged locally in public health work and social service, and others with special experience and knowledge of local social conditions. If possible there is also appointed someone familiar with the military and naval affairs, who can advise the Section concerning proper procedure in such matters. There is also usually appointed a lawyer who can instruct the Home Service workers about municipal and state laws. The principal function of the Consultation Committee is to consider difficult problems which arise in the course of work with individual families. It is designed to facilitate coöperation between the Red Cross and the agencies and persons regularly engaged in family work.

Each Home Service Section draws its budget from the funds of its Chapter, raised locally, the responsibility for raising funds for Home Service resting with the Finance Committee of the Chapter. There is the minimum of red tape and formality, the minimum of control so far as the Department of Civilian Relief in Washington is concerned.

It is the purpose of the Red Cross Home Service that each Chapter shall have such a Home Service Section, no matter how few men may have entered the service from its territory and no matter how self-sufficient their families may appear to be. By no other means can the responsibility for Home Service be fixed. The Home Service Section in each community is much more apt to have the coöperation of local social agencies, and to enlist the initiative, the cordial spirit, and the sympathy in fullest measure of the neighbors and friends of soldiers' and sailors' families, if the responsibility for organization and direction of this work remains in local hands. Without a group charged with this responsibility for Home Service, there will be soldiers' children dropping out of school or deprived of timely medical treatment; there will be soldiers' wives wheedled out of their income by shrewd agents or cheated out of it by fakers; and there will be soldiers' homes broken up during their absence by misfortune of one kind or another which the strong will and informed mind of a friend at hand might have overcome. Ten families have just as much right to Home Service as have one hundred families. It is not the volume but the character of the work that counts.

HOW HOME SERVICE LEARNS WHERE HELP IS NEEDED

Home Service endeavors to be very careful about the method of approach to these families. It is not intended or permitted that all families of soldiers and sailors shall be called upon, and asked if they require assistance. No home is to be visited in the name of Home Service without a definite invitation from the family or from some responsible person competent to speak for them. Home Service has no desire to intrude or to expose people to comment. For this reason, the wearing of a special costume by Home Service workers has been discouraged; for this reason also, unconfirmed, anonymous requests to visit families are ignored, though each such request is made a matter of record. It is purposed that the work of the Home Service Section be so well understood, and its work so natural and neighborly, that those who need help of any kind will be drawn to avail themselves of it. There are many ways, of course, in which the Home Service worker may come into contact with these families.

At every camp and cantonment the Home Service Director,

who everywhere enjoys the fullest support and approval of the military authorities, takes every means to let the men know of this phase of Red Cross work. Sailors on every vessel of the Navy get the message. Many requests come from soldiers and sailors through such publicity. Through publicity in the local press, and through their friends, Home Service comes to the attention of other members of the soldier's or sailor's family who may ask help for the wife or the mother of the household. These have been very frequent means of approach to those who have needed assistance.

Home Service Sections learn of emergencies in families, and find ways of offering help, in the natural course of fulfilling the Information Service which has proved to be one of its great opportunities. Helpful relations have been established with families in which there were children, by securing the assistance of school teachers to whom the aims and the scope of Home Service are being everywhere explained, not by general circularizing but in quieter ways which have resulted in mutual understanding and the securing of prompt information about children who are wayward or sick or neglected, or withdrawn from school prematurely because of the war service of a father or other near relative.

Again, the various religious and social organizations of the community have many contacts with the families. To these agencies the Red Cross has given full information about the work of Home Service. This is not done by formal approach through circular or advertisement but by personal contact and association and by drawing into the Home Service Sections, as members, representatives of these social agencies and religious societies. Home Service Sections have established friendly relationships with the various state and local Councils of Defense, who notify them promptly of homes where Home Service is required. Finally, Home Service Sections have established contacts with Exemption Boards, and have in many instances learned thereby of the needs of families of drafted men.

HOW HOME SERVICE IS GIVEN

Home Service has demonstrated its ability to conserve human resources in thousands of homes by helping to maintain there good standards of child care, of physical and mental health, of education, and of working conditions. In some communities these standards

have been achieved only after long toil. Home Service is helping to maintain them.

Living is more difficult for everyone in war times, and the first thing a Home Service visitor comes to understand in trying to conserve the welfare of children, is that their mothers are, beyond everything, often lonely and discouraged. Whatever will give the mothers courage to "carry on" helps the children. From many different parts of the country comes the story of women whose outlook is suddenly darkened, whose need is for sympathetic understanding of their plight, for the development of new interests and cheerful companionship. Some are facing the birth of a first child alone; some have displayed symptoms of mental depression that require the promptest attention and, in a few cases, hospital care. The absence of the man deprives the family of the interest which he brings home with him from the world of trade and industry. This lack and loss of companionship must, so far as possible, be replaced. Various forms of recreation, including clubs and classes, become, therefore, very important for the mother as well as for the children.

The chairman of a Home Service Section reports one instance in which discouragement led a mother to write to the department of soldiers' aid in her state, asking her husband's release from the army; her three boys, she stated, were so unruly that she could do nothing with them. A Home Service visitor, asked to report upon this request, found the family in no financial difficulty, but the mother so worried that she lacked the mental energy to cope with three little lads all of whom were full of life and high spirits. The visitor's first suggestion was a vacation for the mother and a temporary housekeeper for her children. But the boys would have none of this, protesting that they wanted their own mother and no one else. This new attitude upon their part gave no small degree of comfort to the discouraged woman. She began to enter into the recreational plans for the children, which were proposed and carried out by the visitor, but seemed to respond most of all to the chance to talk over personal affairs at frequent intervals with someone who was really interested in them.

The health of young children is a matter of constant concern on the part of the Home Service worker who is urged to consult the physician advising the Section about the obvious indications of

malnutrition, adenoids, and other frequent ailments of infants. Speaking generally, any sign of debilitation, such as persistent cold, cough, loss of weight and appetite, mouth breathing and pallor prompts the visitor to urge the parent that medical advice be secured.

All available resources for the health-care of the school child are brought to bear when at all needed. Home Service workers make full use of the services of the infant welfare nurse, the school nurse, and the tuberculosis nurse, and of any visiting nurse or public health nurse in the community. Such nurses are sometimes asked to advise about dietaries and food economies as well as concerning matters of health.

A representative of the national Children's Bureau says that the chief measure for protecting babies is to insure their care and nursing by healthy mothers in their own homes. Helping mothers to plan their affairs so as to remain at home most of the time while the children are small is a health measure for both mother and child, though a woman's temperament and her standard of home care before the enlistment of the breadwinner should be taken into consideration.

Faithful school attendance is often assured by arranging, when necessary, for regular reports from teachers. When the age for leaving school approaches—in fact, long before it has arrived—Home Service seeks the best vocational guidance obtainable for the boy or girl. Its workers discourage entrance into occupations in which there is no future, no skill to be acquired, no good chance of advancement, or in which the processes menace health.

Problems of boys and girls in their early teens—in the years of adolescence—often require the wisest advice available from teachers, club leaders, and from others experienced in child helping.

Sometimes the mother is unable to manage the family affairs as she should. She may even be the victim of a bad habit. Then it is important that the allotment of pay and the family allowance be expended by someone else who will administer it for her and her children's best welfare. Soldiers and sailors have had to appeal to Home Service Sections in such situations, the solution requiring court intervention in some cases and in others not.

Another difficult situation is that of the father whose wife has died. A widower, drafted into the army, appealed to the Home

Service Section in his city to arrange for proper care for his one child. This was done with the help of a child-placing agency, and the child's board being paid by the father through the Home Service Section.

The question has been asked whether unmarried women who are the mothers of soldiers' children come within the scope of Home Service. Such mothers do, and so do their children. The legal rights of both mother and child should be known. In handling such cases, a denial by the man must be investigated, remembering, however, the possibility of blackmail and so being very careful to deal fairly with both man and woman on the basis of all the facts obtainable, and with the competent advice and service of a good lawyer of sympathetic mind who should be a member of each Home Service Section.

Many people become so accustomed to a low health standard that they actually regard ill-health as a normal thing. Home Service visitors try to accustom families to a higher standard, and to attend to dental defects, eye defects, nose and throat defects in time, bringing them promptly to the notice of the proper medical and dental specialists.

It is necessary, in particular, to guard against an increase of tuberculosis. The experience of foreign countries, especially of France, in this war, indicates the possible rapid spread of this disease. Accordingly, especial attention is directed (1) to any loss of weight in members of the families visited, (2) to a persistent cold or cough, (3) to fever or loss of appetite. Suspected cases are referred to a doctor or to the local tuberculosis dispensary. "In families where we have found a *history* of tuberculosis in the past," writes the secretary of one Home Service Section, "we have had examinations made and have been able to give treatment to patients who had not known they required a physician's care."

Here is an extract from the notes of one Home Service visitor.

We were asked to furnish crutches in this family for the lame boy of thirteen. He lives with his father, mother and five brothers and sisters, of whom the oldest boy has enlisted. I found all the others in bad physical condition owing to a combination of insufficient income, poor management, and lack of knowledge of food values, so I took every one of them to a dispensary, where they were examined by specialists. Two doctors examined the boy who "needed crutches." With the consent of his parents and his priest, he was operated upon with satisfactory results. I am teaching the mother how and what to cook. There is an astonishing physical improvement in every member of the family.

Mention has been made of the importance of keeping children in school and assuring regular attendance there, but Home Service Sections are doing more than this. Children who had been removed and put to work to meet a shrinkage in the family income are being returned to school promptly, as soon as Home Service is called in. One Home Service Section reports a boy, found to be working illegally nearly fourteen hours a day, who has been returned to school. This Section is making special provision to keep children between the ages of fourteen and sixteen in classes where they will receive a good preparation for earning their living later. Another is taking children out of "blind alley" occupations and providing special aid to give them training for better work. Another reports upon a wayward boy who has been introduced to the Boy Scouts and is now doing well in school. Still another made it possible for a young man to complete his last year in college by paying the necessary tuition after his father entered the national army. One member of a Home Service Section is getting a great deal of pleasure out of giving free music lessons to three children whose father has died.

Unless we are able to learn by the mistakes of Great Britain in the earlier years of her present struggle—mistakes which she recognizes now—we shall be confronted with attempts to speed up industry at the expense of the health and strength of the workers. The strict administration of the laws now on our statute books for the protection of workers against long hours and unwholesome processes is placed upon the conscience of those engaged in Home Service.

First of all, the Home Service worker is expected to know what the national, state, and local provisions are—not only the laws regulating working conditions, but the agencies and officials responsible for their enforcement. What provisions are there about maximum hours? What is a standard working day for men, for women, for children of working age? Is one day's rest in seven provided for by law? Is night work prohibited for women? For children? What hazardous employments are prohibited for either or both? Children who work are required to have employment certificates in almost all of our states. Have these been issued legally? Women need special protection from overwork before and after childbirth. Lawyers interested in Home Service are

asked to advise about the laws applicable to these matters. By order of the Quartermaster-General of the Army, uniforms for soldiers cannot be worked upon in any tenement house or dwelling. Home Service workers give valuable help in the enforcement of the order by making it known to the families with which they have to deal.

Home Service Sections are systematically avoiding the practice of thrusting women into industry who can serve the family better at home. Before family allowances made earning outside the home less necessary, they were assuming extra financial burdens cheerfully in order to keep mothers with their children and this is important to safeguard home life on this side.

The Red Cross believes that it owes consideration to the agencies in each locality which are carrying permanently the responsibility for social service. At its annual meeting in December, 1917, the Red Cross adopted a resolution which in substance is as follows: That while the Red Cross needs and must use immense sums of money for unusual purposes, it does not wish to receive that money at the expense of the permanent social work of this country but desires that the support of the Red Cross shall be in addition to that work. The Red Cross believes that the work of the local social agencies in each community must continue during the war, not only with full vigor, but with increased resources, in order to meet needs that are becoming greater; and the Red Cross holds that these local agencies must be ready to do their full part in social reconstruction when the war is over. It is the purpose of the Red Cross that the awakening sense of social responsibility shall be utilized by the agencies which are permanent and necessary, and that these organizations shall increase in membership and resources during the war, as their needs may require. The desire of the Red Cross, especially in its work of Home Service, is that everywhere there be the most cordial coöperation.

TRAINING OF HOME SERVICE WORKERS

Successful Home Service work depends, indeed, not so much upon the extensiveness of the knowledge and experience of those relatively few persons who will be actively engaged in it, as upon their ability to utilize the knowledge and experience of others. They levy a claim upon the expertness of the whole community to which

the possessors of special knowledge and skill have been only too glad to respond with enthusiasm, once it has been made clear that the Red Cross intends to do its fair share and that it makes good that intention.

In order that there may be a larger number of trained and competent executives for Home Service Sections, the Department of Civilian Relief has established at twenty-five strategic centers, representing every section of the country, Home Service Institutes. The Institutes are open to executives and members of Home Service Sections, and to other qualified volunteers. The courses of the Institutes require the full time of those who attend for a period of six weeks. The programs of all the Institutes are practically the same. They are prescribed by the Red Cross and are given under its auspices. The course includes four hours of lectures and discussion each week, required readings, and the balance of the time—about twenty-five hours each week—is spent in supervised practical field work in the Home Service of the Chapter in whose city the Institute is held and in the local societies that do similar work. The membership of each Institute is limited to twenty-five, in order to assure adequate personal attention in classroom discussion and in the field work. A certificate is granted by the Red Cross to those who complete the work with credit and, in the field work, show qualities fitting them to assume responsibility in Home Service and aptitude for it. Wherever possible, the Institute is affiliated with a well-established University, College, or Training School for social work.

For those unable to attend the Institutes, Chapter Courses are held in those cities where competent instruction and field work are available. These courses conform to a general standard prescribed and published by the Red Cross, but which may readily be adapted to local conditions and needs. Chapter Courses are always related intimately to the work of the local Chapters. Many Chapters have conducted such courses and many more are planning to do so. The Red Cross strongly endorses the organization of such courses and believes that the volunteers connected with Home Service Sections will work longer and do more if they are given such training. The eager response which has been made to the Chapter Courses and to the Institutes proves that people no longer feel that

good intentions are qualifications enough for Home Service. They want to learn how to do this work in the best possible way.

Those who have taken up Home Service have been quick to see that it requires a familiarity with new problems and a facility in dealing with them which can be acquired only through training. To be sure, the Home Service Institute, to say nothing of the Chapter Course, does not make social workers, but it does make informed people in the communities from which the students come. In short, the Red Cross, realizing its responsibility and its opportunity, is trying to fit itself to discharge that responsibility by beginning at the obvious point of departure—through a campaign of education. It is the earnest hope of the Red Cross, as it is the test of its standards, that through Home Service in coöperation with other agencies, the family of no soldier or sailor shall suffer a lowering of its standards nor lack any essential thing within the power of the nation to give. Home Service is solicitous about the welfare of the families of men in the service because it realizes that upon the success achieved in this task depends the kind of problems that will confront the nation when the war is over. It is the hope of the Red Cross that its Home Service may help to awaken a national spirit of social responsibility so that when the war is ended, America shall have not a new social problem, but instead a new and greater social force in working out its destinies.

BOOK DEPARTMENT

THE BUSINESS MAN'S LIBRARY

BANKING INVESTMENTS AND FINANCE

KEMMERER, EDWIN W. *Postal Savings: an Historical and Critical Study of the Postal Savings Bank System of the United States.* Pp. viii, 176. Price, \$1.25. Princeton: Princeton University Press, 1917.

This book is timely for all who are interested in the thrift campaign. The subject matter is only indirectly related to Liberty Loan Bonds and War Savings Certificates, but facts of importance to any one concerned in the development of the thrift habit are set forth; for example, the facts underlying the establishment of the postal savings system, the classes of a community from whom these deposits—the result of saving—come, the circumstances affecting the increase or decrease of deposits, and the sections of the country in which the postal savings habit is most strongly entrenched. From the angle of thrift, this work is important principally for its clear presentation of suggestive facts, rather than for any deliberate conclusions predicated upon the facts.

There are pages of significance to the banker also. The book is undoubtedly one of the most lucid expositions of the practical operations of our postal savings system that has been published. Some of the tables might be of a more recent date in order to be truly representative of the condition and development of the system during the war period, although lack of such figures is probably to be attributed to inadequate statistical sources.

The author has attempted to give a balanced view of the postal savings system. As a consequence, he gives both viewpoints on any matter that has evoked discussion prior either to its incorporation or rejection as a part of the postal savings system. In style the work is expository and narrative, and is not an exhaustive critical analysis. The appendices include the original act and the subsequent amendments thereto of the United States and the Philippines systems.

FRANK PARKER.

University of Pennsylvania.

INDUSTRIAL MANAGEMENT

LEFFINGWELL, W. H. *Scientific Office Management.* Pp. 253. Price, \$10.00. Chicago: A. W. Shaw Company, 1917.

Books on scientific management fall into two classes, one descriptive, the other philosophic. The first deals with practices, the second with principles. The number of books describing practices is legion; for example, a published bibliography is thirty-eight pages long, each page crowded with titles. There is little reason, therefore, for adding to works in this category, yet Leffingwell has done just that thing, and deserves commendation for it. The paradox is explicable when it is stated that the host of books deals with scientific management in fac-

ories whereas Leffingwell goes into an entirely new field and shows the operation of the Taylor System in offices. There is only one other good book dealing with office management, consequently there is a real need for volumes such as Leffingwell has given us.

His work adds nothing new to the principles of management. He takes the Taylor System with its standardization, time and motion study, tasks and bonus schemes, and employment management, and applies it to office work.

As a whole, the book is suggestive; it gives a large number of hints to office managers that ought to prove valuable. It is well illustrated by photographs, but the charts fall into the error that is typical of all Shaw publications; namely, the originals are drawn on such a large scale that when reduced in reproduction the printing is well nigh undecipherable.

M. K.

STATISTICS

SECRIST, HORACE. *An Introduction to Statistical Methods*. Pp. xxi, 482. Price, \$2.00. New York: The Macmillan Company, 1917.

BAILEY, WM. B. and CUMMINGS, JOHN. *Statistics*. Pp. 153. Price, 60 cents. Chicago: A. C. McClurg and Company, 1917.

These two volumes, covering virtually the same field but written with entirely different purposes, must be judged by different standards. Professor Secrist has aimed to present a comprehensive but not too technical text primarily for the use of college students and business men, while Professors Bailey and Cummings have tried to produce a suggestive manual principally for social workers. The former must not be expected to sacrifice explicitness and detail for facile reading nor the latter to abandon emphasis of prominent principles for minute and technical description.

Secrist's volume may be roughly divided into three parts, dealing respectively with the uses and collection of statistics, their presentation and some mathematical devices for statistical study. The second and third portions are superior in treatment to the first, the author seemingly experiencing the usual difficulty in securing a satisfactory method of dealing with the subject of collection. It is submitted that no presentation which divorces principles and illustrations will ever be satisfactory, difficult as it may be to combine the two without obscuring the main ideas. Nevertheless even this section of the book is superior to other descriptions of the process and its principles. The space available in the Bailey and Cummings' book precludes any adequate treatment of this phase of the subject. On the other hand, this latter volume contains an important chapter on Ratios which points out many common errors in the use of statistics, especially vital and sociological. The suggestive criticisms contained therein must ordinarily be gathered by the laborious study of general principles, which often means that they are unnoticed or disregarded.

Secrist's book is especially to be commended in two respects; its emphasis on the application of statistical principles to business uses, a field in which a text has been urgently needed and the stress laid upon *purpose* as a predominant influence in collection, tabulation, averaging and graphic representation. The

chapters on statistical units, averages and graphs are especially noteworthy in these respects, although minor criticisms may be made in individual instances. Thus the chapter on units might have somewhat considered the classification by Watkins as well as the author's classification as to collection and presentation; some paragraphs such as the last on page 223 are not readily comprehensible by the student; and it is difficult to see why the author commends the diagram on page 174 which is certainly not notable for facility of interpretation or adherence to certain principles elsewhere stated.

Considerable space might be used in extolling the advantages of Secrist's volume as a text, in which respect it is clearly superior to any now extant especially from the standpoint of commercial education. The chapters on tabulation, graphs, averages and index numbers are excellent, and the somewhat unusual method of treating graphic presentation in advance of averages appears to be an improvement upon custom. The description of graphics seems to suffer little by preceding the subject of averages, while the best explanation of averages without pictorial aid is usually deficient. Bailey and Cummings follow in this the usual procedure, but since diagrams are not frequent in their book this is of little consequence. Professor Secrist might, however, with some advantage have incorporated as an introduction to his chapters on graphs Professor Bailey's classification of diagrams, which has long been regarded as very satisfactory for teaching purposes. The former's discussion of index numbers is, as he frankly admits, largely based on Professor Mitchell's admirable study for the Bureau of Labor Statistics. Except in tabular and graphic illustration Secrist's chapters on dispersion, skewness and correlation appear little superior to Professor King's text. The author gains considerably, however, here as well as elsewhere, by liberality in illustrative material.

The portion of Bailey and Cummings' book dealing with averages is necessarily deficient by reason of limited space but it is useless to criticize a treatment which is thus arbitrarily limited. Little complaint can be made of the apportionment of the space among the various subjects but Chapters I and II appear unnecessarily restricted. The chapter on graphs is a version of Professor Bailey's earlier classification in *Modern Social Conditions* and necessarily suffers, as must any treatment, from lack of illustration. The chapter on correlation is brief but suggestive.

In conclusion it may be said that these volumes fulfil admirably the purposes intended. Secrist's book is at present undoubtedly the best available text, strong in the emphasis of the purpose of statistics, ample illustrative material and the application of statistical principles to business uses. Bailey and Cummings have written a suggestive manual and brief introduction to the subject particularly for those interested in social and vital studies, valuable because of simplicity and brevity.

ROBERT RIEGEL.

University of Pennsylvania.

MISCELLANEOUS

WICKWARE, FRANCIS G. (Ed. by). *The American Year Book, 1917*. Pp. xx, 822. Price, \$3.00. New York: D. Appleton and Company, 1918.

"A record of events and progress for 1917" is extremely welcome. The war has had its influence on every activity, and while the new edition follows the general plan of the Year Book, it has been found necessary to curtail some portions in order to include data on the war itself and foreign matters heretofore very briefly discussed.

References throughout to former issues of the Year Book and cross references, together with a very complete index, enhance the value to anyone desirous of making a continuous study of a special subject.

ECONOMICS

BULLOCK, EDNA D. (compiled by). *Selected Articles on Single Tax*. (Second edition, rev. and enl'd.) Pp. vii, 249.

PHELPS, EDITH M. (compiled by). *Selected Articles on the Income Tax*. (Third and enl'd ed.) Pp. xxxiii, 235. Price, \$1.25 each. New York: The H. W. Wilson Company, 1917.

These two books are in the Debaters' Handbook series, and are prepared in the usual form. They contain bibliographies with brief comment on content or point of view. The bibliographies would be more valuable if the comments were more extensive and more to the point. The excerpts in the volume on Income Tax are primarily from the accessible magazine sources and are not so representative or as well chosen as are the selections in the volume on the Single Tax.

C. L. K.

HOBSON, J. A. *Democracy after the War*. Pp. 215. Price, \$1.25. New York: The Macmillan Company, 1917.

To Mr. Hobson the important contest after the war will be that of democracy against its enemies. There is an undoubted "antagonism between war and the exercise of those personal and political liberties comprised in democracy." To him there is a close and inevitable association between war, militarism, capitalism, profiteering, protectionism, colonialism, imperialism, junkerdom,—in short our entire industrial system in all of its leading aspects. Many influences in the fields of theory and of experiment are to be observed. In Germany, the idea of "the absolute and forceful State, animated by a will for power" illustrates the way in which a political theory has been utilized to shape both thought and conduct in conservative mold. In Great Britain the "classical political economy" with its *laissez-faire* assumptions, its marginal theory of value and its productivity theory of labor has likewise given support to capitalism. Spiritual and social forces working through the church, the schools and the press are also involved in an alliance against progress not plainly recognized but none the less real. The older theories may go but a new group may be expected to support the motives of those who hope "to purchase enlarged productivity and improved discipline from labour with a small portion of the increased yield of wealth."

It is probable that the State will "endeavor to retain after the war many of the emergency powers it has acquired during the war." In some directions, particularly in the field of taxation, an extension of powers will come and the capitalistic group will endeavor "to put high protection on the country under the guise of national security, imperial unity, punishment of Germany and maintenance of the Alliance." Moreover, they will try "to shift on to 'the masses' a large proportion of the burden of taxation." What they want is "protection and high productivity of labor."

The first problem for the workers is to determine their attitude toward increased productivity. This they should support because increased output is an indispensable condition of progress. Their second problem is to decide their attitude toward the State as controller of industry. The securing of their share of an increased productivity can not be left to economic tendencies but they must rely on the use of political strength. Hence the State must be made democratic and internationalism must take the place of the closed State.

Mr. Hobson's book is welcome to those familiar with his earlier volumes. In his theory he has in the past laid the greatest emphasis on distribution. The recognition in this volume of the importance of production in the near future is significant. How fully he may have anticipated the workers' attitude toward the problem is evident when one realizes the recent growth in the political activity of the Labor party of Great Britain and the statement of war aims just made by the Inter-Allied Labor Conference in London.

E. M. PATTERSON.

University of Pennsylvania.

KELLOGG, VERNON and TAYLOR, ALONZO E. *The Food Problem.* Pp. xiii, 213. Price, \$1.25. New York: The Macmillan Company, 1917.

This work may be looked upon, by reason of the reputation and experience of the authors, as the most authoritative presentation of the food problem yet made. The first part deals with the food situation of the Allies and the United States; the second part is given over to a technical description of the uses of food which is couched in simple and, at the same time, strictly scientific language.

It is hoped that the book will have a wide circulation. It should be invaluable to speakers in the spreading of knowledge regarding this most vital of all problems. The imperative need of our Allies for food is brought home forcibly. The saving of the required food lies in the voluntary acceptance of the necessities of the situation. Rationing the public cannot hope to succeed. "For, if a rationing system cannot succeed in Germany, it cannot hope to succeed anywhere." It is for this reason that the education of the public is so essential and it will take much of it to arouse people to the point of view that the greatest help they can render in winning this war is by eating corn and chicken instead of wheat and beef.

The authors lay special stress on the evils of profiteering. To those who are unable to visualize the situation, they give the following warning: "Whoso in war time demands 'business as usual' is acting contrary to the forces operating for success in carrying on the war; and yet the very men who so contend for 'busi-

ness as usual' in war time would not in the least hesitate to send their own sons to the front. They do not seem to realize that their behavior in the conduct of their business increases the risk of the lives of their own enlisted sons. The cattle raiser who wishes to take advantage of high speculation prices of livestock, the wheat grower who desires to obtain the profits to be derived from unrestricted competitive buying by the frenzied nation at war, the laborer who attempts to force the highest wage on the basis of supply and demand, and the coal operator who capitalizes the contest between industrial and fireside demands for coal, all fail to visualize the situation as it actually exists and do not realize that their point of view jeopardizes the successful carrying on the war."

H. R. M. LANDIS.

Philadelphia, Pa.

NICHOLSON, J. SHIELD. *War Finance*. Pp. xxiv, 480. Price 10s, 6d. London: P. S. King and Son, Ltd., 1917.

This is a collection of articles written for various publications, particularly the *Scotsman*, from 1912 to 1917 inclusive. The title *War Finance*, is applicable to most of the papers but is not entirely accurate for all of them. Some of the views expressed by Professor Nicholson in the earlier articles must necessarily be modified in the light of later events, but his general contention expressed in the preface is defended throughout and is worth quoting as a summary of the book:

"The root evil of our financial policy has been the extravagant payment made by the state for all the services required for the War, whether of capital or labour—always excepting the labour of the actual fighting. The extravagance has only been made possible by inflation. The fruits of the evil are the waste of national resources, the increase in the inequities of distribution, and, worst of all, a degradation of the soul of the nation."

E. M. P.

POLITICAL SCIENCE

FREUND, ERNST. *Standards of American Legislation*. Pp. xx, 327. Price, \$1.50. Chicago: The University of Chicago Press, 1917.

The failure of the common law to adjust itself readily to changing social conditions has set for legislation the task of giving more immediate legal effect to new concepts of right and wrong, and of the public good. Social legislation, in working to this end, has been retarded by adverse decisions of the courts asserting unconstitutionality under the due-process clause. The violation of the right is found, not in the fact of regulation, but that the regulation is unreasonable. The boundaries of the field of rights protected by this clause are nowhere defined with precision. What is applied as a test in such cases is not a fixed but a variable standard called reasonableness. It is a sliding scale, the length of which at any application depends upon the social and economic views of the persons at the moment composing the court. It is not, then, a test of principle but of policy which is applied. This policy is implied and hence is judge-made, and is indefinite in extent. Furthermore, the judicial test is destructive, not constructive.

The purpose of the book is "to suggest the possibility of supplementing the established doctrine of constitutional law which enforces legislative norms through *ex post facto* review and negation by a system of positive principles that should guide and control the making of statutes, and give a more definite meaning and content to the concept of due process of law."

Such a system of principles is found neither in the common law nor in constitutional provisions for reasons set forth by the author. It is pointed out, however, that certain principles of legislation, fragments, as it were, of a system, have developed from various sources, e.g., the principles of correlation, of standardization, of vested rights and of equality. It is to development within legislative practice rather than to the courts that Professor Freund believes we must look for higher standards and a more complete system of principles of legislation. In justification the past experience with the courts is cited, together with the fact that in European countries where legislation is free from court review the legislative product is in a juristic and technical sense superior to that enacted in this country. The author believes, in the light of our own experience and in that of the other countries, that "the greatest hope for establishing constructive principles of legislation lies in the further development of plans that have already been tried," including executive initiative of legislation, preparation of bills by special commissions, the delegation of power to administrative commissions, the organization of drafting bureaus, and the codification of standing clauses.

It is to be hoped that this admirable essay will soon be followed by a more extended and systematic treatise on the principles of legislation from the same pen.

FRANK G. BATES.

Indiana University.

KETTLEBOROUGH, CHARLES (Compiled and edited by). *The State Constitutions*. Pp. 1645. Price, \$12.00. Indianapolis: B. F. Bowen and Company, 1918.

Whoever has occasion to make frequent use of state constitutions or other fundamental laws of the land will welcome a single volume containing the state constitutions, the federal constitution and the organic laws of the territories and colonial dependencies of the United States. This 1918 compilation is not to be regarded as supplanting Thorpe's *Constitutions and Charters*, but rather as affording relief, for ordinary purposes, from that older, voluminous work.

The training of the compiler and editor as Assistant Director of the Indiana Legislative Research Bureau and present Director of that Bureau (under a new name) as well as internal evidence of careful compilation and editing, give assurance that the material may be relied upon.

C. H. C.

ROBINSON, EDGAR E. and WEST, VICTOR J. *The Foreign Policy of Woodrow Wilson 1913-1917*. Pp. 428. Price, \$1.75. New York: The Macmillan Company, 1917.

The authors contribute to a better understanding of President Wilson's foreign policy by their concise summary of its major problems and decisions, and their keen analysis of the fundamental ideals shaping its development. Frequent ref-

erences in the text to appended statements of the President and his Secretaries of State, comprising nearly two-thirds of the volume, permit the reader to test the accuracy of this exposition by an appeal to the official record.

An examination of the President's conduct of our foreign relations prior to the World War reveals the foundations of his permanent policy. His basic guide to action was a faith in democracy and the finality of the moral judgment in the minds of men as well as at the tribunal of God. From this faith grew the conviction that every nation should be free to develop constitutional liberty and "should regard every other nation as its equal; that fair dealing was the best means of preserving friendship and peace between the nations; that the guidance of established law was essential to international justice and fair-dealing"; that international disputes should be arbitrated in the light of law; and finally that national force should be used only to combat criminal aggression and to further great humanitarian purposes.

By adherence to these ideals in the conclusion of arbitration treaties and in our relations with Mexico, China, Japan, the Philippines and England, the President established himself as the leader of American opinion, and enabled the United States to plead for international law and justice with "clean hands" when war engulfed the world.

The President demanded equally of all belligerents a strict observance of neutral rights guaranteed by well-established rules of international law. When the submarine warfare wantonly destroyed American life, for which no reparation was possible, violating both international law and the essential rights of humanity, a break with Germany became inevitable and imperative. In contrast were English invasions of American rights, involving mere loss of property capable of full reparation through diplomatic channels.

Foreseeing our eventual entry into the world conflict, President Wilson roused an apathetic public to support an augmented army and navy; reconciled the people to a break with our traditional isolation from European affairs; and manoeuvred the European belligerents into a reasoned statement of their war aims. Thus under Woodrow Wilson's leadership our war against Germany was lifted from a selfish vindication of national rights to a lofty international purpose,—a warfare for democracy, the rights of small nations, a concert of free peoples, and a durable world peace.

The writers justly claim a further pragmatic sanction for President Wilson's foreign policy. As a result thereof "a European quarrel originating obscurely in petty dynastic ambition, in greedy economic rivalry, and in base national hatred, was transformed, by the entrance of the United States, into a world conflict with the united forces of democracy and international peace," squarely ranged under American leadership, "against autocracy and continued world struggle."

Certain inconsistencies of the President's diplomacy are gingerly treated. While regretting the repudiation, in the proposed *modus vivendi* for submarines and merchantmen (January 18, 1916), of the contention that submarines could not operate legally under existing international law, the authors ignore an earlier repudiation in the third *Lusitania* note. Again the scant account of our Caribbean relations barely hints at the conflict of our drifting imperialism in that quarter, with the Pan-American program for a union of American powers in a mutual

guarantee of their absolute political independence and territorial integrity contemplated by the Monroe Doctrine.

LEONARD P. FOX.

Princeton University.

SOCIOLOGY

CALHOUN, ARTHUR W. *A Social History of the American Family from Colonial Times to the Present.* Vol. I, *The Colonial Period.* Pp. 348. 1917. Vol. II, *From Independence through the Civil War.* Pp. 390. Price, \$5.00 each. Cleveland: The Arthur H. Clark Company, 1918.

To those who are familiar only with the type of American history which seeks to idealize the past rather than to disclose the results of scientific research, the present volumes are destined to produce something of a shock. The author has sought to throw light upon the present problems of the family, not by theoretical moralizing, but by the description of its historic development as a social institution. The history is traced from the wider old world origins through its specific modifications under American conditions. The work represents most painstaking search for documentary evidence which is given in a profusion of detail in both quotation and reference. It is a veritable source book of social customs and conditions which have influenced the changing ideals of the American family. In Volume I, *The Colonial Period*, the author traces the development of ideas in regard to courtship and marriage, the position of women and children, sex ethics and family life in colonial New England, the Middle Colonies and the colonial South. Various factors contributed by racial elements, religious practices and traditions, Puritan standards and ideals, etc. are considered. In Volume II, *From Independence through the Civil War*, the investigation is carried forward through the period of continental development and the disappearance of the frontier, showing the increasing importance of industrialism and the abolition of slavery. Typical chapters are: Marriage and Fecundity in the New Nation, The Social Subordination of Women, The Emergence of Women, Sex Morals in the Opening Continent, Negro Sex and Family Relations in the Ante-Bellum South, Racial Association in the Old South, The Effects of the Civil War.

In his preface to Volume I, the author has anticipated the most obvious criticism which may be urged against the work, viz., the seeming undue emphasis upon the economic interpretation and upon pathological anomalies. Nevertheless, a careful reading discloses a true historic perspective which removes it from the domain of fantastic interpretations and places it upon the solid foundation of genuine historical research. It is a cyclopedia of information in regard to the evolution of family ideals and morality in America and supplements admirably such productions as Goodsell's *Brief History of the Family* and Howard's monumental work on the *History of Matrimonial Institutions*. Its usefulness as a source book is marred, however, by the lack of an index.

J. P. LICHTENBERGER.

University of Pennsylvania.

CARTER, HENRY. *The Control of the Drink Trade*. Pp. xvi, 323. Price, \$2.50. New York: Longmans, Green and Company, 1918.

As Lord D'Abernon states in the Preface, Mr. Carter's object in writing this book was to set forth in detail the regulations adopted to control the drink trade in Great Britain, the immediate purpose of each, under what conditions they have been enforced and the results that have accrued. The period covered is from the autumn of 1914 to the spring of 1917 (i.e., from the outbreak of the war to the time when, in order to safeguard food supplies, the output of liquor was curtailed by the Order of the Food Controller).

In Part I, Conditions before the War, the author points out the need for further regulation, the movement of public opinion, and the problem confronting the Control Board. Part II, The Administration of State Control, is devoted to the restrictive and constructive work of the Central Control Board, established in June, 1915. In Part III, The Effects of State Control, the author summarizes the results of the experiment. The charts and diagrams in this section are especially valuable.

The experiment of Great Britain is of outstanding importance and should be particularly interesting just now when National Prohibition is before the States.

E. G. L.

STEINER, JESSE F. *The Japanese Invasion*. Pp. xvii, 231. Price, \$1.25. Chicago: A. C. McClurg and Company, 1917.

The special merit of this volume lies in the author's appreciation that the relations of the United States and Japan in the future are far more important than the local questions created by the presence of a few thousands of Japanese in America. He recognizes that the race question, psychological rather than physical, lies at the bottom of the difficulty. He traces the advent of the Japanese to America, the changing attitudes towards them, their own reaction to American life and customs and analyzes all these things in the light of the impression they are creating in Japan. An excellent bibliography is included. It is a valuable and timely discussion. The tone is friendly and sympathetic, the statements very accurate.

C. K.

INDEX

- Adoption, factors in, 113, 120.
- Agencies, social, 89, 125, 127, 144, 149.
- ALCOHOL AND SOCIAL CASE WORK.
Mary P. Wheeler, 154-8.
- Altruism, basis, 22, 26.
- Army, tests, 62.
- Beggars, professional, 151.
- Blind; case work with the, 28, 35;
exploitation of, 29.
- BLINDNESS, OFFSETTING THE HANDI-
CAP OF. Lucy Wright, 28-35.
- Boston School of Social Work, outline
suggested by, 33.
- BRANNICK, CATHERINE. Principles of
Case Work with the Feeble-minded,
60-70.
- Budgets, family, 83, 87.
- BYINGTON, MARGARET F. The Nor-
mal Family, 13-27.
- California, mother's pension laws, 84.
- Canada, war conditions, 25, 33.
- Case treatment: basis, 131; forms, 35,
39, 43, 46, 62, 65, 72, 89, 92, 96, 104,
113, 117, 121, 126, 130, 133, 142, 155,
169; individualization, 31, 61, 62,
101, 109, 139, 155; medical pro-
fession and, 4, 52; method, 1-5, 31,
34, 36; results, 118, 123; successful,
2, 5, 7, 117, 166.
- CASE TREATMENT, THE OPPORTUNITIES
OF SOCIAL. Karl de Schweinitz, 1-8.
- CASE WORK AND SOCIAL REFORM.
Mary Van Kleeck, 9-12.
- Case worker: duties, 23, 95; qualifica-
tions, 7, 9, 163. *See also* Social
worker.
- Charity, public, new experiment in, 90.
- Children: adoption, 120, 125; case
work with, 117, 126, 130, 133; death
rate, 50; defective, 65; delinquent,
133; earnings, 87; family life, 18, 82,
120, 129; feeble-minded, 65, 68;
foster care, 119, 123, 127; health,
179; illegitimate, care of, 104, 110,
122; institutional, 126, 128.
- Children's Bureau, purpose of, 50.
- Clergyman, social services, 97.
- Cleveland: Cripple Survey, 38; educa-
tion of the blind, 29.
- COLCORD, JOANNA C. Desertion and
Non-support in Family Case Work,
91-102.
- Courts: illegitimacy and, 108; juvenile,
17, 133; delinquency and, 131; de-
sertion and, 93.
- Criminology, modern, 115.
- CRIPPLE AND HIS PLACE IN THE COM-
MUNITY, THE. Amy M. Hamburger,
36-44.
- Cripple Survey, Cleveland, 38.
- Cripples, classification, 40, 44.
- Defectives, classification, 65, 73.
- Delaware, mother's pension legisla-
tion, 79.
- DELINQUENT CHILDREN, ESSENTIALS
OF CASE TREATMENT WITH. Henry
W. Thurston, 131-39.
- Delinquents, case treatment of, 131.
- DESCHWEINITZ, KARL. The Oppor-
tunities of Social Case Treatment,
1-8.
- Desertion: attitude toward, 91, 93;
causes, 94; National Bureau of, 97;
percentage, 101.
- DESERTION AND NON-SUPPORT IN
FAMILY CASE WORK. Joanna C.
Colcord, 91-102.
- Diagnosis: importance, 4, 46, 65, 155;
medical, 46, 55; social, 46, 55, 65, 69,
72, 104, 142.
- Disease: prevention, 53, 55; super-
vision, 88, 113.
- Divorce, state laws, 16.

- Domestic relations court, case work and, 91.
- Drink, effects, 99, 146.
- Drinkers: classifications, 146, 157; medical treatment, 158.
- Education, home, 21.
- Efficiency, in the handicapped, 32, 64.
- Employment, for the handicapped, 30, 32, 42, 68, 73, 140, 168.
- England: juvenile punishment, 23, 132; poor laws, 80, 90; soldiers, 33.
- Environment, effects, 27, 65, 130.
- FAMILIES: THE SOLDIERS' AND SAILORS'. W. Frank Persons, 171-84.
- FAMILY, THE FATHERLESS. Helen Glenn Tyson, 79-90.
- FAMILY, THE IMMIGRANT. Eva W. White, 160-70.
- FAMILY, THE NORMAL. Margaret F. Byington, 13-27.
- Family, as an institution, 15, 168.
- agency, difficulties of, 128.
- life: primitive, 14; problems, 20, 81, 83, 85, 96, 155, 168, 174; stability, 25; value, 81.
- Farm colonies, for the homeless, 151.
- FATHERLESS FAMILY, THE. Helen Glenn Tyson, 79-90.
- Feeble-minded: classification, 63; neglect, 149; treatment, 60, 69.
- FEEBLE-MINDED, PRINCIPLES OF CASE WORK WITH THE. Catherine Brannick, 60-70.
- Feeble-mindedness: definition, 62; increase, 60.
- Fernald plan, purpose, 61.
- Foster care, institutions v. families, 126.
- FOSTER CARE OF NEGLECTED AND DEPENDENT CHILDREN, THE. J. Prentice Murphy, 117-30.
- Foster homes: disadvantages, 124; for illegitimate children, 122; investigation, 129.
- France: Home Service, 171; penal code, 131; tuberculosis, 180.
- Germany, juvenile delinquency, 23.
- HAMBURGER, AMY M. The Cripple and His Place in the Community, 36, 44.
- Handicapped, problems of the, 28, 36, 41, 68, 107.
- Health: England, 181; problem, 51, 88; provision for, 48; standard, 180.
- insurance, advantages, 11.
- movement, public, 56; scope, 10.
- HENRY, EDNA G. The Sick, 45-59.
- Heredity: effects, 103; illegitimate child and, 113, 122.
- Home: education, 21, 30, 67; institutions and, 18, 126; safeguards, 182; stability, 25, 172.
- Service: aims, 171; desertion and, 102; opportunities, 173; organization, 175; work, 82.
- — workers, training, 182.
- Homes: children in, 122, 124, 125; reconstruction, 27.
- HOMELESS, THE. Stuart A. Rice, 140-53.
- Hospitals: maternity, 111; need for, 50.
- Illegitimacy: causes, 103; desertion and, 96; fatherless families and, 85; investigation, 105, 114; significance, 121.
- ILLEGITIMATE FAMILY, THE. Amey Eaton Watson, 103-16.
- Illinois, mother's pension laws, 84.
- IMMIGRANT FAMILY, THE. Eva W. White, 160-70.
- Immigrant problems, types, 165.
- Immigrants: schooling for, 161; second generation, 167.
- Industrial reform, social workers and, 11.
- revolution, effects, 19.
- schools, for children, 126.
- Industry: feeble-minded in, 63; homeless in, 140.
- Inebriates, treatment, 150, 158.

- Institutions: for the handicapped, 60, 64, 123, 126, 156; health problems in, 52.
- Interviews, successful, 72, 155.
- Investigation, method, 4.
- Labor, employment of handicapped, 36, 41, 63, 149.
— reserve, make-up of, 141.
- Law: on desertion, 92; effect on marriage, 157; juvenile delinquents and, 131.
- Marriage: control, 15, 60; forced, 96, 112; illegitimacy and, 108.
- Massachusetts: foster care, 125; provision for the feeble-minded, 61.
— Commission for the Blind, methods, 30.
— General Hospital, work, 110.
- Medical profession, social work and, 4, 50.
- Mendicancy, evils of, 151.
- MENTAL HYGIENE, CASE WORK IN THE FIELD OF. Elnora E. Thomson, 71-8.
- Minnesota Children's Code, provisions, 104, 110.
- Mothers: earnings, 86; unmarried, 110, 124, 180.
- Mother's pension legislation, administration, 79, 89.
- Moral code, development, 23.
- Mortality, infant, 50, 110.
- Municipal lodging house, applicants, 143.
- MURPHY, J. PRENTICE. *The Foster Care of Neglected and Dependent Children*, 117-30.
- New Jersey, mother's pension legislation, 79.
- New York: foster care, 120, 125; mother's pension legislation, 79; inebriates, 150.
— — Charity Organization Society, desertion cases, 101.
- NON-SUPPORT IN FAMILY CASE WORK, DESERTION AND. Joanna C. Colcord, 91-102.
- Norway, Castberg Law, 104.
- Nurses: Home Service, 179; social workers and, 49, 53, 58.
- Parents, children and, 16, 23, 24, 119.
- Pennsylvania, mother's pension legislation, 79.
- PERSONS, W. FRANK. *The Soldiers' and Sailors' Families*, 171-84.
- Physician, social service, 46, 52, 97.
- Poor laws, provisions, 79, 80, 90.
- Probation officer: delinquency and, 137; desertion and, 93; duties, 134.
- Prognosis, medical and social, 46, 55.
- Psychiatrist, psychologist and, 70.
- Psychology, applied, 94, 103, 114, 128.
- Records, importance of case, 12, 46, 78, 129.
- Red Cross, Home Service, 82, 171-84.
- Religion, effect on marriage, 16.
- Religious influence: drunkenness and, 147, 158; in foster homes, 128.
- RICE, STUART A. *The Homeless*, 140-53.
- Sailors, families, 82.
- SAILORS' FAMILIES, THE SOLDIERS' AND. W. Frank Persons, 171-84.
- Sanitation, community, 143.
- Schools, enlarging scope, 21.
- Secretaries, qualifications, 164.
- Segregation, for the feeble-minded, 61.
- Sex, as social factor, 96, 107, 116.
- SICK, THE. Edna G. Henry, 45-59.
- SOCIAL CASE TREATMENT, THE OPPORTUNITIES OF. Karl deSchweinitz, 1-8.
- SOCIAL CASE WORK, ALCOHOL AND. Mary P. Wheeler, 154-58.
- Social insurance, value, 48, 90.
— problems, classification, 56.
- SOCIAL REFORM, CASE WORK AND. Mary Van Kleeck, 9-12.

- Social reform, definition, 9.
 — work, scope, 27, 47, 56, 144.
 — worker: desertion and, 94; duties, 48, 55; health movement and, 11; medical knowledge, 48; illegitimate families and, 115; qualifications, 45, 58, 71; as a teacher, 54.
See also Case worker.
- Soldiers: disabled, 28, 36, 148, 173; families, 82, 102; mentality, 62.
- SOLDIERS' AND SAILORS' FAMILIES, THE. W. Frank Persons, 171-84.
- THOMSON, ELMORA E. Case Work in the Field of Mental Hygiene, 71-78.
- THURSTON, HENRY W. Essentials of Case Treatment with Delinquent Children, 131-39.
- Tuberculosis: case treatment, 50; prevention, 180.
- TYSON, HELEN GLENN. The Fatherless Family, 79-90.
- Unemployment, consequences, 145.
- VAN KLEECK, MARY. Case Work and Social Reform, 9-12.
- War: general effects, 25, 36, 102, 119, 148; social problems after, 57, 90.
 — Risk Insurance Law, provisions, 172, 174.
- WATSON, AMEY EATON. The Illegitimate Family, 103-16.
- WHEELER, MARY P. Alcohol and Social Case Work, 154-8.
- WHITE, EVA W. The Immigrant Family, 160-70.
- Widow, types, 81.
- Workmen's Compensation and Liability Acts, proposed readjustment, 36.
- WRIGHT, LUCY. Offsetting the Handicap of Blindness, 28-35.

Supplement No. 1 to

The ANNALS OF
THE AMERICAN ACADEMY OF POLITICAL
AND SOCIAL SCIENCES

May, 1916

MAY 16 1916

UNIV. OF MICH.
LIBRARY

Procedure in State Legislatures

PHILADELPHIA

The American Academy of Political and Social Science

PROCEDURE IN STATE LEGISLATURES

BY

H. W. DODDS, Ph.D.,

SOMETIME HARRISON SCHOLAR, UNIVERSITY OF PENNSYLVANIA



PHILADELPHIA

THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

1918

Copyright, 1918, by
THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE
All rights reserved

EUROPEAN AGENTS

ENGLAND: P. S. King & Son, Ltd., 2 Great Smith St., Westminster, London, S.W.
FRANCE: L. Larose, Rue Soufflot, 22, Paris.
GERMANY: Mayer & Müller, 2 Prinz Louis Ferdinandstrasse, Berlin, N. W.
ITALY: Giornale Degli Economisti, via Monte Savello, Palazzo Orsini, Rome.
SPAIN: E. Dossat, 9 Plaza de Santa Ana, Madrid.

CONTENTS

	Page
FOREWORD.....	v
Hon. John A. Lapp	
CHAPTER I—THE LEGISLATURE'S INHERENT POWERS IN MATTERS OF PROCEDURE.....	
Inherent Powers Defined.....	1
The Power to Determine the Qualifications of Members is Exclusive.....	2
The Power to Punish for Contempt is a Prerogative.....	3
The Attitude of the New York Courts.....	4
Parliamentary Procedure not Subject to Judicial Review.....	5
Journals Presumed Favorable to the Act.....	6
Constitutional Provisions Sometimes Directory.....	7
Parol Evidence Inadmissible to Overthrow Journals.....	9
The Validity of Parliamentary Rules.....	11
The Authority of Statutes Regulating Procedure.....	12
Legislative Employees.....	13
CHAPTER II—THE ORGANIZATION OF THE HOUSES.....	
The Make-up of the Roll.....	20
Contested Elections.....	20
Selection of Employees.....	21
CHAPTER III—INTRODUCTION OF BILLS.....	
Early Methods of Introduction.....	26
Personal Responsibility of Members for Introducing Measures.....	26
Restrictions upon the Free Introduction of Measures.....	29
Present-Day Methods of Introduction.....	31
CHAPTER IV—COMMITTEES.....	
Early Function of Standing Committees.....	36
Selection of Committees.....	36
Number and Size of Committees.....	37
Reference of Bills.....	39
Committee Meetings.....	42
Committee Schedules.....	44
Committee Records.....	44
Joint Committees.....	47
Conference Committees.....	49
Discharge of Committees.....	51
Steering Committees.....	52
	56

CHAPTER V—PASSAGE OF BILLS.....	63
Quorum.....	63
Printing of Bills.....	64
Readings.....	65
Debate.....	69
The Committee of the Whole.....	70
Control over Debate—Obstruction.....	72
Suspension of the Rules.....	75
Amendments.....	79
Roll Calls on Final Passage.....	84
Counting a Quorum.....	86
Engrossment and Enrollment.....	87
CHAPTER VI—LEGISLATIVE LEADERSHIP.....	91
The Calendar.....	91
Closing Days of the Session.....	97
Legislative Leadership.....	100
The Speaker.....	100
The Floor Leader.....	102
Executive Leadership.....	104
Legislative Records.....	107
Index.....	110

FOREWORD

This study is a hopeful beginning of researches which will help greatly to solve some of the problems of legislative procedure. Such studies are necessary preliminaries to the popularization of the problems as well as the solution and nothing is more needed in governmental research than the basic facts underlying the legislative process, for it is undeniable that the legislative machinery does not function properly in the states or in the Congress of the United States.

Mr. Dodds has done well to go below the surface of things and tell how the legislatures actually do some of their important work. In doing so he has been plowing virgin soil a good deal of the time and the way has not been smooth. He has had to find his facts in obscure sources and to weigh and sift a vast amount of scattered material.

There are plenty of articles and books descriptive of legislative bodies but there is a dearth of descriptions of the way legislatures are organized and how they work. Everyone intimately in touch with a legislative body knows that there is a vast difference between theory and practice. Mere analyses of constitutional forms and limitations tell very little; in fact they mislead grossly. Take, for example, the provision that every bill shall be read in full on three separate days. If that were followed literally, the legislature would spend its entire time listening to the reading of bills. The actual practice is not followed anywhere and, of course, could not be, yet every general treatise on legislatures treats it as a part of the actual practice of legislatures. Many constitutional forms are merely paper provisions and that fact lends importance to Mr. Dodds' study. New light is thrown on many subjects which writers have heretofore been content to pass over in general terms because of the difficulties of detailed research.

One of the most interesting phases of Mr. Dodds' work is his discussion of the powers of a legislative body and of the separate houses. Strangely enough, no one has considered this subject sufficiently important for careful study and yet in 1913 in one of

our leading states all of the principal officers and some members of the legislature were indicted for violating a law which attempted to fix the number of employes. The court rightly held that the houses of a legislature could not be bound by such a law because it interfered with their inalienable powers. Laws in violation of this principle are on the statute books of several states.

Another subject which has not had the attention which it deserves is treated in this study, namely, the validity of the enrolled bill. There is some confusion of legal authority on this point, a majority holding that the enrolled bill cannot be impeached, while a few would allow the journals as evidence. Either conclusion leads to absurdities. If the journals or parol evidence cannot be used to impeach an act, then acts which never passed either house may become laws by the signature of the presiding officers and the governor, as actually happened in Indiana in 1913, through the trickery of some unknown person. The doctrine of the validity of the enrolled bill would make such an act valid in spite of the plain evidence that it never passed. On the other hand, if the journals are to be used as evidence, the law may be made to depend upon the accuracy of the work of legislative clerks, who are seldom known for their efficiency. Instead of taking the act from the statute books as it stands each act would have to be traced back through the journals. The doctrine that "ignorance of the law excuses no one" would truly become a joke under such circumstances.

It is just such questions as these that most need analysis and careful treatment. The physiology of legislatures should be studied rather than their anatomy. The following study tells more about how the houses are organized, how the committees work and how a bill travels through the process than has heretofore been brought together, which material is compacted into a few pages. Scarcely a superfluous word is used to describe important processes. The study will be of great basic value in the inevitable reform of legislative processes.

JOHN A. LAPP.

CHAPTER I

THE LEGISLATURE'S INHERENT POWERS IN MATTERS OF PROCEDURE

The methods and forms by which legislative business is carried on are notoriously lax. Rules designed to protect the rights of the minority, to secure due deliberation and publicity for all legislative acts, and to introduce order into the performance of legislative duties are known to be frequently disregarded. Judgments of presiding officers in direct contravention of the rules have been sustained by majority vote, and legislative houses, in flagrant violation of their own law, have overruled correct decisions. To such loose and chaotic practice was due, in no small degree, the growing popular distrust which so boldly marked the nineteenth century attitude towards our state legislatures. Successive constitutions reflect the decline of confidence in representative assemblies by defining and restricting in great detail the powers which the legislature may exercise. Relief from the prevailing extravagance and recklessness was sought by designating the forms and procedure by which the legislature must act. Thus the newer constitutions, in an effort to insure order and deliberation in the work of the legislatures, or at least to prevent repetitions of certain gross frauds, came to include specific provisions governing parliamentary practice. Today provisions that a bill must be read three times on separate days are common, and numerous regulations concerning introduction of bills, signing by presiding officers, functions of committees, et cetera, occur in many organic laws.

Occasionally the legislature itself, in the spirit of repentance, elevated a rule of procedure to the plane of statute law. Thus the requirement that local or private bills must be published in the district which they affect found a place on the statute books. In like manner, improved methods of handling contested election cases were attempted by acts delegating disposition of them to the courts. The purpose of course was to establish by legislative action a few fundamental parliamentary rules to control the whims of the legislature without the observance of which no action could be deemed legal.

INHERENT POWERS DEFINED

But when the aid of the courts was summoned to apply these provisions, whether embodied in the constitution or occurring merely in the statute law, the doctrine of inherent powers and privileges of legislative bodies was seen to be involved. Historically this is a very ancient doctrine. It takes its source in the long struggle in England between King and Parliament, when the matter of gaining and securing recognition of a privilege was a tremendously important thing. A privilege once established, the Commons were at that point secure from royal interference; either directly by agents of the king or through the processes of the courts. But it is one of the curious developments of history that a principle, employed to protect the representatives of the people against coercion and intimidation by an autocratic power, should today remove them from all legal liability so far as the forms by which they conduct themselves are concerned.

Legal theory recognizes that each department of government possesses certain inherent powers of which it cannot be deprived by a coördinate branch. This is the doctrine of inherent powers. Speaking generally, these powers are such that if the free exercise of them were obstructed the effective discharge of the duties of the constituent branch would be seriously impaired. It is generally accepted that no explicit constitutional provision is necessary to the exercise of these powers and privileges upon the part of the legislature, but that they are implied in the general grant of legislative power and are necessary if that body is to fulfill its function. The broadest expression given to such rights describes them as inherent in the law-making branch and capable of being ascertained primarily by an examination of common parliamentary law. They are not derived from express provisions in the constitutions. On the contrary, they arise from the very nature of a legislative body. Indeed the constitution is not a grant but a restriction upon this power.¹ In

¹ *Ex parte McCarthy*, 29 Cal. 395. This follows closely the English theory of *lex et consuetudo Parliamenti* as outside the common law. See Blackstone's "Commentaries," Bk. I, c. 2; "But the maxims on which they (the two houses of Parliament) proceed, together with the method of proceeding, rest entirely in the breast of parliament itself and are not defined or stated by any particular stated law." Coke also, 4 Inst. 15, "Judges ought not to give any opinion of a matter of privilege, because it is not to be decided by the common laws but *secun-*

the light of this principle, provisions which read, "Each house shall have all other powers necessary for a branch of a legislature of a free state," can add nothing to prerogatives already enjoyed.² It is worth while to examine the nature of these inherent rights, which can be restricted only by the constitution itself and in the exercise of which a legislature cannot bind itself any more than an individual can bargain away his freedom.

THE POWER TO DETERMINE THE QUALIFICATIONS OF MEMBERS IS EXCLUSIVE

The right to judge of the elections and qualifications of its own members is expressly conferred upon each house by the constitutions of forty-six states.³ Originally developed by the House of Commons as a protection against encroachment by the king, it would exist today, in the absence of any constitutional grant, as an inherent power "necessary to the legislature to enable it to perform its high function." "It is the power of self-protection."⁴ The right being exclusive, the legislature cannot refer ultimate decision to any other tribunal. The courts can enter no judgment. Their decision is merely advisory, if indeed they can act in the matter at all.⁵ Neither will the courts inquire the reason for the expulsion of a member, no matter how arbitrary and unfair the action of the legislature.⁶ In no case will the courts examine the returns to see who was

dum leges et consuetudinem Parliamenti." American courts have declared that in general the two houses are organized and governed in accordance with the recognized principles of parliamentary law. *Ex parte Screws*, 49 Ala. 57; *State v. Rogers*, 56 N. J. L. 480. The accepted opinion in Congress is that until rules have been adopted each Congress operates under what Speaker Reed termed common parliamentary law, in which the practice of the House constitutes a principal part. 5 Hinds 6759-6763.

² Such provisions occur in thirteen state constitutions.

³ See Index-Digest of State Constitutions, prepared for New York Constitutional Convention, 1915, pp. 885-6 and 925-6.

⁴ *Hiss v. Bartlett*, 69 Mass. 473; *French v. State*, 146 Cal. 604.

⁵ *In re Contested Election of Senator*, 111 Pa. St. 235. In *State v. Gilmore*, 20 Kan. 551, an act empowering a court to vacate a seat of a member who upon trial was found to have been intoxicated in a public place was declared void. The legislature's exclusive power to judge of the qualifications of its members is not exhausted by admission to a seat. In *Dinan v. Swig*, 112 N. E. 91 (Mass. 1916) the power of a court to render even an advisory opinion is denied. Also in *State v. District Court*, 50 Mont. 134 (1914).

⁶ *Hiss v. Bartlett*, *supra*; *French v. State*, *supra*; *Auditor-General v. Board*, 51 N. W. 483 (Mich.).

legally elected, the legislature being the sole judge of all questions of law or fact involved.⁷ The courts will exercise no supervision over justices of the peace authorized by statute to take testimony in contested elections of members of the legislature. The powers of these officials when so acting are not judiciary, but rather in the nature of the work of a committee of the house.⁸

Since the courts refuse to review in any manner the action of the legislature in admitting or expelling members, the binding force of statutes defining the methods of contesting elections rests solely in the will of the house. This is in harmony with the view adopted by Congress that such an act is only a wholesome rule not to be departed from without cause, and that a petition failing to proceed according to law is not without remedy.⁹ Such laws must be viewed as convenient aids to the legislative house and cannot exist as a check upon the legislature's power to adopt any other procedure at will. In fact it has been recently declared that a statute attempting to define the procedure to be followed would be void.¹⁰

THE POWER TO PUNISH FOR CONTEMPT IS A PREROGATIVE

A second inherent right is the power of a house to punish contempts of its authority. Following English precedents¹¹ our courts at first held that this was a general power necessary to the exercise of legislative functions and the adjudication of the house was sufficient to establish the fact of contempt.¹² This exclusive jurisdiction, however, was restricted in the opinion, rendered in the famous English case of *Stockdale v. Hansard*, which declared that, although no court could relieve a person committed for contempt from punishment lawfully inflicted, the question of the jurisdiction of the house is always open to inquiry.¹³ The United States Supreme Court finally accepted this view and in the case of *Kilburn v. Thompson*

⁷ *O'Donnel v. Judges*, 40 La. Ann. 598; *People v. Mahaney*, 13 Mich. 481; *Bingam v. Jewett*, 66 N. H. 382; *Dalto v. State*, 43 Ohio St. 652; *Corbett v. Naylor*, 25 R. I. 520.

⁸ *State v. Peers*, 33 Minn. 81.

⁹ *Case of Williamson v. Sickles*, 1 Hinds 776.

¹⁰ *Dinan v. Swig*, *supra*.

¹¹ See May, "Practice and Usages of Parliament," 10 ed. p. 131 *et seq.*

¹² *Anderson v. Dunn*, 6 Wheat. 204, followed in a series of cases until *Kilburn v. Thompson*, 103 U. S. 168. See also *Coffin v. Coffin*, 4 Mass. 35.

¹³ 9 Ad. & E. 1, and 11 Ad. & E. 253.

inquired into the jurisdiction of the House of Representatives, denying at the same time that the right to punish for contempt could derive any authority from English precedents, since from time immemorial Parliament has been a High Court of Judicature. The Court asserted that, if the House of Representatives is to punish for contumacy as a witness, the testimony must be required in a matter in which the House can properly proceed. In the case in question the investigation was found to be of a judicial nature and in excess of the power of the House. The warrant for the prisoner's arrest was therefore void.

The state courts were quick to adopt the reasoning in *Kilburn v. Thompson* and to inquire into the lawfulness of legislative contempt. The principle followed was that the houses of the legislature are free to punish recusant witnesses only if the information sought is in the aid of legislation, otherwise such punishment is an invasion of the judicial department.¹⁴ But the doctrine that the power to command respect is obviously so essential to the enlightenment and guidance of the legislature that it has always been exercised without question remained unshaken. The constitution does not create the power, but fixes and limits the mode and duration of punishment for disobedience.¹⁵

THE ATTITUDE OF THE NEW YORK COURTS

The New York courts of late years have seemed unwilling to concede to the legislature an inherent or even a common law right to punish for contempt. The constitution of this state, contrary to prevailing form, does not authorize in specific terms a single house of the legislature to punish for contempt or to expel members, and is likewise silent as to a member's privilege from arrest, although elsewhere these prerogatives are generally held to inhere without express constitutional grant. Since 1830 these powers have been

¹⁴ *In re Chapman*, 166 U. S. 661; *In re Gunn*, 50 Kan. 155; *Burnham v. Morissey*, 80 Mass. 226; *People v. Keeler*, 99 N. Y. 463; *Matter of Barnes*, 204 N. Y. 108; *People v. Webb*, 5 N. Y. Supp. 855; *Ex parte Parker*, 74 S. C. 466; *Sullivan v. Hill*, 79 S. E. 670 (W. Va.); *Ex parte Watters*, 144 S. W. 531 (Tex.).

¹⁵ *Ex parte McCarthy*, 29 Cal. 395; *Lowe v. Summers*, 69 Mo. App. 637; *State v. Matthews*, 37 N. H. 450; *Ex parte Dalton*, 44 Ohio St. 142; *Ex parte Parker*, *supra*; *Sullivan v. Hill*, *supra*; The power to punish may be delegated to committees by statute. *Ex parte Parker*, and *Sullivan v. Hill*; also strong dissenting opinion, *In re Davis*, 58 Kan. 368.

provided for by general statute, and the offenses enumerated in the acts have been declared to be the only ones which either house is authorized to punish as contempts and to take the place of the numerous offenses treated by Parliament as such. The statute conferring the power, judicial in nature, is not void, however, as invading the judiciary department since it is necessary and appropriate to legislative action.¹⁶ More recently the Code of Civil Procedure¹⁷ has given over the duty of punishing recusant witnesses to the courts, and the Court of Appeals holds that in so doing the legislature demonstrated its lack of an inherent power to punish for contempt in disobedience to its process.¹⁸ This is a serious inroad upon the prevailing theory of prerogative, if indeed the concept is not completely shattered. The legislature is considered to have acquired through its general legislative power the privileges not specifically conferred by the constitution. They are not exclusive or inalienable and are defined by statute law.¹⁹

PARLIAMENTARY PROCEDURE NOT SUBJECT TO JUDICIAL REVIEW

With a view towards maintaining the effective independence of the coördinate departments of government in the discharge of their appropriate duties, the courts have generally permitted the legislatures themselves to interpret constitutional provisions concerning methods of procedure. For example, the courts of several states will not admit evidence to impeach the validity of an act on the ground that some constitutional requirement as to the manner of passage has not been observed. If the act is regularly enrolled, authenticated by the presiding officers of both houses, and signed by the governor, the evidence is conclusive that all constitutional

¹⁶ *People v. Keeler*, *supra*; See also *People v. Webb*, *supra*. The legislature has only such powers to punish as have been conferred upon it by statute.

¹⁷ ¶ 854 to ¶ 856.

¹⁸ *Matter of Barnes*, 204 N. Y. 108.

¹⁹ In a recent Texas case the court held that in accordance with the doctrine of the separation of powers the legislature's right to punish for contempt was derived solely from the constitutional grant, Art. III, sec. 15, which authorizes each house to punish persons not members for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. Failure to answer the questions of a committee does not constitute obstruction of legislative proceeding and the legislature was not competent to adjudge for contempt for so doing. *Ex parte Walters*, 144 S. W. 531. This denies to the legislature the right to punish indirect contempts.

provisions governing procedure have been fulfilled, and it cannot be impeached by the journals. The theory adopted is that the legislators are bound by their oaths to support the constitutional mode of procedure and, although disregard constitutes breach of duty, the presumption must always be that the coördinate branch has fulfilled its duty.²⁰ Any other interpretation leads to uncertainty as to what is law and ends logically in the power to impugn the journals.²¹

This follows the English precedent, established in 1617, that the Journals of Parliament are not records but "remembrances for the form of proceeding to the record," and cannot weaken or control the statute, which is a record to be controlled only by itself. "When the act is passed the Journal is expired!"²² It is interesting to notice the circumstances which surrounded this decision. The case involved a statute passed in the reign of Henry VIII. As no journal was kept for the Commons until the time of Edward VI, the journal of the House of Lords was pressed to show from entries thereon that the bill came up from the lower house with an amendment which was a prerequisite to the latter's approval of the measure. The bill, as passed by the Lords and enrolled under the Great Seal, contained this amendment cancelled and suit was brought to invalidate the act, but without success. In the absence of any record from the lower house it is not strange that the act as delivered to the Chancery should be held to be the only true record, yet many of our state courts still follow this precedent by refusing to admit the journals to impeach a properly certified act.²³

JOURNALS PRESUMED FAVORABLE TO THE ACT

Another view, which has been expressed by the courts of more than half the states, is that the properly certified act is only *prima*

²⁰ *Kilgore v. McKee*, 85 Pa. St. 401.

²¹ *State v. Jones*, 6 Wash. 452. In *Field v. Clark* (143 U. S. 649) the Supreme Court considered that it was advisable to make the certificate of the presiding officers the evidence instead of journals kept by minor officials, who were liable to make mistakes.

²² *Rex v. Arundel*, Hobart 109.

²³ *Yolo County v. Colgan*, 132 Cal. 265; *Eld v. Gorham*, 20 Conn. 16; *Miller v. Oelwein*, 55 Iowa 706; *Schutt v. State*, 173 Ind. 689; *Owensboro v. Barclay*, 102 Ky. 16; *Swann v. Buck*, 40 Miss. 268; *State v. Beck*, 25 Nev. 68; *Power v. Kitching*, 10 N. D. 254; *Mason v. Cranbury Twp.*, 68 N. J. L. 149; *Narregang v. Brown County*, 14 S. D. 357. It is believed that the above comprise those states holding the enrolled act conclusive.

facie evidence of its validity and that recourse may be taken to the journals to see if all constitutional provisions relative to procedure have been observed. The presumption, of course, is always favorable to the act, but this may be overthrown by affirmative evidence on the journals. But it must appear affirmatively and beyond all doubt that the act was not properly passed. If the journals are silent or ambiguous it must be presumed that the constitution was followed. For example, if the journals show that a bill failed to receive a constitutional majority on final passage and the words "so the bill failed to pass" were entered, the bill never became law, although this could not be presumed from mere silence.²⁴ In like manner the courts will not consider the fact that notice of introduction of a local or private act was omitted although the constitution may require it to be published. The advertisement of such notice in the constitutional manner will be presumed and the journals need not show it.²⁵

Although it usually cannot be assumed that constitutional requirements were omitted because a record of every step stipulated

²⁴ *Currie v. Southern Pacific Co.*, 21 Ore. 571. The following cases illustrate the points involved: *C. B. & Q. v. Smythe*, 103 Fed. 376; *Gibson v. Anderson*, 131 Fed. 376. *In re Duncan*, 139 U. S. 449 (Federal Courts adopt adjudication of state courts). For acts of Congress the enrolled bill is sufficient, *Field v. Clark*, 143 U. S. 649. *Ex parte Howard & Co.*, 119 Ala. 484; *Andrews v. People*, 33 Colo. 193; *State v. Francis*, 26 Kan. 724; *Attorney-General v. Rice*, 64 Mich. 385; *State v. Field*, 119 Mo. 593; *Colburn v. McDonald*, 72 Neb. 431; *Territory v. O'Conner*, 37 N. W. 765; *State v. Smith*, 44 Ohio St. 348; *Hiskell v. Knox Co.*, 177 S. W. (Tenn. 1915) 483. Of course if the constitution stipulates entry in the journal the journal must show the entry.

²⁵ *Vann v. State*, 65 Fla. 160; *Critcher v. Crawford*, 105 Ga. 108; *Bray v. Williams*, 137 N. C. 387. In order to make the requirement of notice effective Alabama included in her constitution, adopted in 1901, a clause which prescribes that the evidence of the publication of notice shall be spread on the journals and directs the courts to pronounce void any private or local law for which the journals do not show that notice was published. Numerous acts have thus been nullified. See *Kumpfe v. Irwin*, 140 Ala. 460.

But acts have been held invalid because the requirement of notice was not observed, *Ashbrook v. Shaub*, 60 S. W. (Mo.) 1085; *Attorney-General v. Tuckerton*, 67 N. J. L. 120; *Chalfant v. Edwards*, 173 Pa. St. 246; here the fact of no notice was admitted by both parties and the court accepted their admission. In New Jersey this was held insufficient to overthrow the *prima facie* evidence of the act (*Freeholders v. Stevenson*, 46 N. J. L. 173). The fact of no notice is hard to show if the courts accept the journals as final.

in the constitution does not appear in the journals,²⁶ the situation changes when certain facts are obliged to appear thereon. Such facts can be shown in no other way and their failure to appear on the journals will invalidate the act, and no presumption arises from the enrollment of the act.²⁷

The trend of recent decisions has been towards permitting resort to the journals to ascertain if the constitutional forms of procedure were observed, and away from the English view that the act is the only record. Indeed the courts of two states have gone so far as to demand that the journals must show affirmatively every step prescribed by the constitution. Failure to do so is conclusive evidence that the step was not taken, regardless of whether or not the constitution explicitly orders entry thereof. Therefore, the express provision of the constitution for the entry of the ayes and noes on the journal does not imply that other steps need not be taken, the conclusion being that if facts are not set forth they did not transpire.²⁸

This would seem the sensible view if effect is to be given to articles in the constitution designed to cure flagrant evils in parliamentary practice. If recourse is had to the journals they should be considered as a true and complete account of the legislative body, and omission therefrom of a step made mandatory by the constitution should be conclusive evidence that it was not taken. Journals might then be kept with greater care, and this in turn would promote closer adherence to constitutional methods.

CONSTITUTIONAL PROVISIONS SOMETIMES DIRECTORY

The view sometimes taken by the courts that constitutional directions concerning procedure are directory merely and not man-

²⁶ Presumed that ayes and nays were taken on final passage of a bill although journal was silent, *State v. Rogers*, 22 Ore. 348. The same when journals fail to show three readings required by the constitution. See 44 Cent. Digest; Statutes, par. 17.

²⁷ *Ex parte Howard*, 119 Ala. 484; *State v. Swan*, 51 Pac. (Wyo.) 209. *Cotton Mills v. Waxhaw*, 130 N. C. 293.

²⁸ *Cohn v. Kingsley*, 5 Idaho 416. In *Brown v. Collector*, 5 Idaho 589, the journal did not show that the bill had been read by sections as the constitution required. See also *Spangler v. Jacoby*, 14 Ill. 297. In *Ryan v. Lynch*, 68 Ill. 160, the journal did not show that the bill had been read on three different days. *People v. Bowman*, 247 Ill. 276; *Neiberger v. McCullough*, 253 Ill. 312. The journal must show that the bill and amendments were printed.

datory gives the legislatures still greater freedom in their application. This doctrine is borrowed from the principle that, when the provisions for carrying out a statute were not designed to operate as a condition to its performance and do not to the judicial mind appear essential, they will be regarded as directory. In such cases the proceedings under the act will be held valid, although the command of the act as to form and time has not been strictly observed; the time and manner not being the essence of the thing required to be done.²⁹

In many cases this is the reasonable attitude towards constitutional prescriptions, since the execution of the legislative function is more important than the method. Accordingly it is usual to hold that an incorrect enacting clause will not invalidate the law, the form set forth in the constitution being considered directory.³⁰ Constitutional provisions that bills shall be enacted into clauses and sections are viewed in the same light.³¹ In situations such as these the will of the framers of the constitution may be accomplished without strict adherence to constitutional standards, for the questions are purely ones of form, but when methods of procedure are involved the situation is more serious. Requirements such as that a bill shall be read on three separate days exist to insure deliberation and to check flagrant evils. As Cooley³² well points out, the interpretation of constitutional prescriptions which renders them merely directory is charged with dangerous elements. The fundamental law does not generally undertake to prescribe rules of proceeding except where such rules are looked upon as essential to the thing to be done.

Sections which require that every bill shall have three readings on separate days have sometimes been held mandatory, sometimes merely directory,³³ and the same is true of the provision that all

²⁹ Potter's, "Dwarris on Statutes," p. 222 and p. 226 note. See also *People v. Spruance*, 8 Colo. 307.

³⁰ *McPherson v. Leonard*, 29 Md. 377; *Cape Girardeau v. Riley*, 52 Mo. 424; *Swann v. Buck*, 40 Miss. 368; *State v. Burrow*, 119 Tenn. 376; But in *State v. Rogers*, 10 Nevada 250, the omission of one word from the enacting clause rendered the act void. The Court was moved to this extreme view by Cooley on "Constitutional Limitations," 7 ed., p. 214.

³¹ *County Commissioners v. Meckens*, 50 Md. 28.

³² Cooley, "Constitutional Limitations," 7 ed., pp. 213-214.

³³ *Mandatory*, *Ryan v. Lynch*, 68 Ill. 160; *Board of Supervisors v. Heenan*, 2 Minn. 330; In the latter case the court considered that since the constitution

bills shall be signed by the presiding officers and the fact entered in the journals.³⁴ Although clauses requiring that bills have but one subject clearly expressed in the title are generally mandatory, a few decisions have declared them to be merely directory.³⁵

The rule has been applied that the constitutional prescription is directory where there is no clause declaring the act void if the direction be not followed,³⁶ whereas if the reading is that "no bill shall become a law" unless a certain procedure is followed the provision is mandatory.³⁷ However this rule is not general, for affirmative clauses have often been held mandatory, largely under the influence of the attitude taken by Cooley. From the viewpoint of legislative procedure the question is not of prime importance as long as courts refuse to invalidate an act other than by affirmative statements on the journal.

PAROL EVIDENCE INADMISSIBLE TO OVERTHROW JOURNALS

The courts have consistently refused to admit parol evidence to overthrow the favorable presumption towards an act, the journal being the only evidence competent to impeach it.³⁸ The integrity of the journal cannot be assailed for fraud or deceit. When approved by the house it becomes the act of the house itself and to inquire into its veracity would be to invade a coördinate department

provided that the necessity for three readings on separate days could only be suspended by a two-thirds vote, it was demonstrated that the framers of the fundamental law attached great importance to the manner of passing an act. Directory, *Miller and Gibson v. State*, 3 Ohio St. 475.

³⁴ Mandatory, *State v. Glenn*, 18 Nev. 34; *State v. Keisewetter*, 45 Ohio St. 254; *Burrit v. Commissioners*, 120 Ill. 322. Directory, *In re Roberts*, 5 Colo. 525; *Leavenworth v. Higginbotham*, 17 Kan. 62 (otherwise the presiding officers would have the veto power); *State v. Mason*, 155 Mo. 486; *Telegraph Co. v. Nashville*, 118 Tenn. 1.

³⁵ *Washington v. Page*, 4 Cal. 388; *In re Boston Mining Co.*, 51 Cal. 624; *Ohio v. Corrington*, 29 Ohio St. 102.

³⁶ *People v. Supervisors*, 27 Barb. (N. Y.) 584; *People v. Supervisors of Chenango*, 8 N. Y. 317; *McClinch v. Sturgis*, 72 Maine 288; *State v. Meade*, 71 Mo. 266.

³⁷ *Larkin v. Simmons*, 155 Ala. 273; *Cummins v. Gaston*, 109 S. W. (Tex.) 476.

³⁸ *Ames v. U. P. Rwy. Co.*, 64 Fed. 165; *State v. Brody*, 148 Ala. 381; *People v. Hatch*, 33 Ill. 9; *Brays v. Williams*, 137 N. C. 387; *Auditor-General v. Board*, 51 N. W. 483 (Mich.).

of government. If the journal contains errors the house itself is the only tribunal competent to correct them.³⁹

This freedom from judicial inquisition is granted the legislature as a right inherent in an independent department of government. Where the constitution has imposed restrictions upon it as to the methods by which it shall act, it claims the prerogative of applying these restrictions. If, during the passage of an act, the constitution has been violated, attention is called to the breach by raising a point of order on the floor. Thus a point of order that notice had not been given for a private bill as ordered by the constitution is fatal if sustained.⁴⁰ Presiding officers refuse to rule on the constitutionality of a measure unless a point of order is involved. It is then their duty to do so.⁴¹ The Missouri Constitution (Section 37, Article III) empowers five members of either house to protest that the constitution has been violated in the passage of a bill, which protest is to be noted on the journal. The courts hold, therefore, that in the absence of such protest it will be presumed that the legislature was not remiss.⁴² But as the same courts have ruled that to nullify an act the journals must show affirmatively and beyond all doubt that the constitution was not followed, it is difficult to see how a parliamentary objection would have much weight.⁴³

THE VALIDITY OF PARLIAMENTARY RULES

The constitutions of all the states except Georgia empower their legislatures to make their own rules of procedure, although nothing is clearer than that this prerogative would inhere without express constitutional grant. From this it follows that no court will review any infraction of the legislative rules, and if the houses choose to ignore them completely the validity of their acts is in no

³⁹ *State v. Smith*, 44 Ohio St. 348. Here a spurious and false journal accomplished the validity of an act; protests and affidavits spread on the journal at a later date were of no effect. See also *Taylor v. Beckham*, 108 Ky. 278, where it was averred that in an election contest following the murder of Goebel the journals were fraudulently made out pursuant to a conspiracy. See further *Wise v. Briggs*, 79 Va. 269.

⁴⁰ *Penna. House Journal*, 1876, p. 790 *et passim*.

⁴¹ For a complete discussion see *Mass. Senate Journal*, 1869, p. 341.

⁴² *McCafferty v. Mason*, 155 Mo. 486.

⁴³ *State v. Field*, 119 Mo. 593.

way affected.⁴⁴ A house may adopt any procedure it sees fit, and change it at any time without notice, but it cannot bind itself by establishing unchangeable rules.⁴⁵ In this respect joint rules are no more binding than the rules of a single house, their observance likewise resting upon the discretion of the legislature.⁴⁶

The constitution of Minnesota contains a clause obviously designed to increase the authority of the rules of the two houses. Bills, passed in conformity to the rules of each house and to the joint rules, are to be presented to the governor. (Section 21, Article IV.) In an early case the Supreme Court of the State discussed the probability that by this recognition the rules were designed to be placed on the same footing with the rules incorporated in the constitution.⁴⁷ Nevertheless, no court has nor will any court be apt to test the possibilities of this provision because of the doctrine that no act can be impeached except by affirmative evidence on the journal.⁴⁸

THE AUTHORITY OF STATUTES REGULATING PROCEDURE

Brief reference has already been made to frequent attempts to secure a more refined procedure by incorporating certain rules in the statute law, the thought being that once a rule has received the approval of the governor in the form of a legislative act, its observance rests no longer upon the whim of the legislature. Following the passage of such laws, the question arose whether or not a binding authority higher than a mere parliamentary rule had been attained in any manner which the courts were bound to respect. The general verdict has been that these self-inflicted restraints have no higher validity than a rule of practice of a single house. Thus a statute directing that every bill shall have three readings on separate days was merely directory and its suspension by less than a two-thirds vote, although forbidden by the act, did not invalidate legislative action on a bill. Such a statute receives its entire force from legislative sanction and exists only at legislative pleasure. It is no more than a rule of procedure adopted by the legislature to

⁴⁴ *McDonald v. State*, 80 Wis. 407; *Brays v. Williams*, 137 N. C. 387; *Wise v. Bigger*, 79 Va. 269.

⁴⁵ *French v. State Senate*, 146 Cal. 604.

⁴⁶ *Railway Co. v. Gill*, 54 Ark. 101.

⁴⁷ *Board of Supervisors v. Heenan*, 2 Minn. 335.

⁴⁸ *State v. Hastings*, 24 Minn. 78.

govern its own proceedings.⁴⁹ Neither can one legislature bind another by a particular mode of repealing or amending statutes, for no form can be prescribed for legislative action which the constitution does not lay down.⁵⁰

The position of the courts is further revealed by their attitude towards acts which have been called out by the numerous evils attending special and local legislation. In states where no constitutional mandate exists it has been common to provide by statute that notice of intention to introduce any special or local act must be published in approved form. The universal opinion of the courts has been that such statutory requirements may be disregarded since they can exist only for the legislature's guidance and convenience.⁵¹

The practice of Congress conforms to the theory prevailing in the states. A rule of procedure accordingly is not controlled by any act of a preceding Congress,⁵² although a law passed by the then existing Congress has been recognized as binding in such matters.⁵³ It need hardly be pointed out, however, that, when the question of suspension comes up, statutes of the sort under discussion have a validity higher than a simple rule, inasmuch as the prestige of a statute is greater than that of a mere rule of practice.

In an effort to assure the actual presence of members at the final passage of a bill and to escape the "short roll call," New York

⁴⁹ *Sweitzer v. Territory*, 5 Okla. 297.

⁵⁰ *Brightman v. Kernor*, 22 Wis. 54.

The New York Commission to recommend changes in methods of legislation (appointed by the Governor, 1895) urged that certain provisions of the joint rules be enacted into statutes that they might at least be binding on each house taken separately. (N. Y. Assembly Documents No. 20, Session of 1896.) This is an incorrect statement of law.

⁵¹ *Manigault v. Ward*, 123 Fed. 707 (affirmed 199 U. S. 473, although this point did not come up). *Derby & Turnpike Co. v. Parker*, 10 Conn. 522; *Chamlee v. Davis*, 115 Ga. 266; Opinion of the Justices, 63 N. H. 625; *Sherman v. Benford*, 10 R. I. 559.

In *Chalfant v. Edwards*, 156 Pa. St. 246, the court spoke with disfavor of the opinion that one legislature might disregard at pleasure the directions of its predecessor concerning the publication of notices of private bills, and pointed out that although the power to repeal the act could not be doubted yet it had not been exercised, and the citizens of any locality had the right to rely on the observance of its provisions. The case, however, was decided on other grounds.

⁵² 4 Hinds 3298, 3579, 3819.

⁵³ 5 Hinds 6767, 6768.

passed an act which directs the presiding officers of each house to certify to the presence of a constitutional quorum and passage by a constitutional majority.⁵⁴ No bill was to be deemed passed unless so certified, and the certificate was to be conclusive evidence of the fact of passage. Yet this law has been declared void. If the journals show a constitutional quorum present and the necessary affirmative votes, the act is good,⁵⁵ and a defective certificate can be supplemented by the journals.⁵⁶ Here again the legislature is forbidden the right to bind itself in matters of form and the conclusion must be that the success of measures such as we have been discussing must be judged by their moral effect upon the legislature's conduct of business, and not by their legal force.

The experience of those states which try to keep their codes complete illustrates the futility of attempts to control legislative practice, as it were from the outside. For example the Political Code of California (Sec. 249-250) requires that each bill proposing an addition to the general laws shall be codified by the judiciary committee of one of the houses, but although this codification is omitted the validity of such acts cannot be questioned.⁵⁷

LEGISLATIVE EMPLOYEES

Attempts to regulate by statute the number and compensation of legislative employes have likewise involved the power of the separate houses to manage their own affairs in their own way, without being amenable to any other department of government. The multiplication of legislative sinecures has been a common method of rewarding the faithful, and many states, profiting by experience, have set forth by statute the specific number of employes allowed each house and their compensation. Clearly, however, the observance of such laws rests with the houses of the legislature and varies widely in different states. It can be truthfully said that they are passed largely for moral effect. In Massachusetts the provisions

⁵⁴ Now known as Chap. 37, § 40, Laws of 1909.

⁵⁵ *In re Stickney's Estate*, 185 N. Y. 107.

⁵⁶ *People v. Supervisors of Chenango*, 8 N. Y. 317.

⁵⁷ Statement of N. W. Thompson, President pro tem of the California Senate, 41st Session, in *Legislative Manual for California*, 1915. Mr. Thompson also suggests that laws of this nature are contrary to the provision of the constitution which empowers each house to determine the rules of its own proceedings.

of the statutes are followed scrupulously in the employment and payment of legislative helpers.⁵⁸ Vermont reports that considerable was accomplished by embodying such provisions in the laws rather than leaving them to the independent action of the two houses, and that they have failed of observance only in unimportant details.⁵⁹ On the other hand, it is common elsewhere for the legislature to disregard such regulations on the ground that they infringe upon the legislative prerogative.⁶⁰ The method prevailing of old in New Jersey was for each house to employ a great number of unnecessary aids and to take the chance that their compensation would be provided for in the bill which passed at the close of the session to meet unexpected expenses. Since the passage of the act defining the number and compensation of employees this abuse has to a great extent disappeared, although the scheme has not been entirely successful.⁶¹

Indiana's recent experience is an extreme illustration of the situation. By an act of 1895 the number and pay of the legislature employees were strictly limited, but for several years the allowance for employees had been increasing in both houses contrary to the statute, until finally in the session of 1913 the amount spent for help exceeded all previous records.⁶² Following this session

⁵⁸ Statement of Mr. Henry D. Coolidge, Clerk of Massachusetts Senate.

⁵⁹ Mr. John M. Avery, Legislative Reference Librarian, Vermont.

⁶⁰ Miss Ida M. Anding, Legislative Reference Librarian, South Dakota, states that subsequent legislatures have disregarded for the above reason an act regulating employees. In Illinois both houses have violated similar provisions (Mr. Finley F. Bell, Legislative Reference Librarian). Because the number of employees at the 1913 session had been more than double that provided by statute, the Progressive element of the 1915 House tried to get the committee on contingent expenses on record as to how many would be added in excess of the statute during the session upon which they were entering (Illinois House Debates, 1915, p. 149). The attempt failed and the usual conditions prevailed. In New York, in order to bring the law into conformance with practice, the legislative statute was amended in 1915 to permit either house to increase at will the number of its employees (Laws of 1915, c. 483). In the majority of states excess employees are paid from the contingent fund.

⁶¹ Mr. John P. Dullard, New Jersey State Librarian.

⁶² In 1913, although the statute allowed forty-five employees in House and Senate, the actual number was approximately one hundred and fifty. Between 1907 and 1913 the sum expended for "help" in the Senate increased from \$36,668 to \$61,572. The allowance for doorkeepers increased more than seven thousand dollars, and the added employees performed only nominal duties (See Senate

several members and officers of both houses were indicted and tried in criminal court for making out fraudulent warrants to pay men employed contrary to law. The question considered by the court was whether the Senate and House acting separately had the right to employ assistants in excess of the numbers named in the act.⁶³ The court did not accept the contention that the act of 1895 was binding on the two houses until repealed. The power of each house to fix the number of employes was not conferred by the General Assembly, but came in the nature of an inherent right which the General Assembly acting as a law-making body cannot curtail or limit. Therefore the act was never binding.

This opinion represents fairly well the usual attitude of legislators toward statutes which seek to control legislative employes. Freedom to determine the number and allowance of employes is a prerogative, similar to the power of judging of the qualifications of members or of punishing for contempt, and is indispensable.⁶⁴

In accord with this doctrine, a joint committee of the Montana Legislature appointed to make provision for the payment of employes recently reported that the section of the constitution⁶⁵ which requires the legislature to provide by law the number and compensation of employes is fulfilled if the legislature leaves by law to each house the right to designate the number of assistants as the times demand.⁶⁶

In opposition to the above, is the view that the right to employ clerks and assistants at will is not inherent, but can be restricted by law. The legislature, although the law-making power, is itself regulated and controlled by law. Therefore, if employes are desired in addition to those specified by statutes, the law must be so

Journals, 1907 and 1913). As was pointed out at the time, there had been no increase in the size of the floors to sweep or in the number of spittoons to clean. The session of 1915 managed to function with a material reduction in the number of employes.

⁶³ From the opinion of the trial judge, rendered in the Marion County Criminal Court, Dec. 17, 1914.

⁶⁴ Supported in *Cliff v. Parsons*, 90 Iowa 665; in *Cook v. Auditor-General*, 129 Mich. 48, the court specifically refused to take the position that payments to legislative employes made by resolution and properly endorsed were illegal although contrary to a clearly expressed statute.

⁶⁵ Sec. 28, Art. V.

⁶⁶ Montana House Journal, 1915, p. 65.

framed or amended as to authorize their employment.⁶⁷ Such a law, it is urged, is binding on the houses to the same extent as on a private individual, and can be repealed or disregarded only by the concurrent action of the two houses and the approval of the governor.⁶⁸ Contrary to the action of Montana, the legislature of Colorado fulfilled the constitutional requirement that no payments should be made to employes except those appointed in pursuance to law, by specifying by statute the number and rate of compensation. The Supreme Court has held that, in view of this, the houses cannot by separate resolution fix the compensation of employes at a rate higher than that allowed by existing law. The constitutional prescription is a mandate to the legislature to fix it by law, since it is a provision essential to the protection of public rights, and when such a law has been enacted the legislature cannot ignore it.⁶⁹

The number of times the question of the right of the legislature to employ clerks and assistants has been considered by the courts is small, and it is not possible to cite precedent that is conclusive, yet the view that the legislature in this connection is at all times a law unto itself is more in keeping with the decisions of the courts concerning statutes seeking to control other phases of legislative procedure. Granted that the legislature has the right under the constitution to employ assistance that it may discharge its business most expeditiously, it is difficult to see how it can be restricted by self-imposed law. Any other view extends the control of the executive, whose approval would be necessary to a removal of the restriction, beyond mere approval or disapproval of the legislative product to a share in the internal management of the business of the houses, a result certainly never anticipated by the framers of our state constitutions.⁷⁰

⁶⁷ *State v. Wallichs*, 14 Neb. 439. Yet the Legislature has not felt itself bound, and in a number of cases has exceeded the statute limit. (Statement of Mr. A. E. Sheldon, Director Nebraska Legislative Reference Bureau.)

⁶⁸ *State v. Auditor-General*, 61 Mo. 229. See also *Walker v. Coulter*, 113 Ky. 814, although here the constitution strictly specifies the number of employes and the point under discussion was not necessary to the decision.

⁶⁹ *People v. Spruance*, 8 Colo. 307.

⁷⁰ The legislature's independence in matters relating to employes is somewhat restricted by constitutional prohibitions upon increases of compensation after the service is rendered. See *Robinson v. Dunn*, 77 Cal. 473; *State v. Williams*, 34 Ohio St. 218; *State v. Chatam*, 21 Wash. 437.

Recently the Illinois Supreme Court refused to allow an appropriation for

In the light of the foregoing the following generalizations may be made. If the legislature has the power to act under the constitution (the power may be inherent in the very nature of the legislative function), it possesses full competence to decide what methods of procedure it will employ. The courts will review the right to exercise the power but will leave the application of constitutional directions concerning procedure in the hands of the legislatures themselves. If the legislative bodies are determined to evade checks placed in the fundamental law, the evasion must appear affirmatively on the journals. If legislatures are remiss in interpreting constitutional provisions the remedy "which the constitution provides by the opportunity for frequent renewals of the legislative bodies is far more efficacious than any which can be afforded by the jury." In the last analysis we must look to the legislature itself to give living content to any rules, constitutional or otherwise. This does not signify, however, that constitutional requirements concerning procedure are without effect. Usually they are respected to the letter even if the spirit be not always fulfilled, and where the intention of the framers is not accomplished there is ordinarily a good practical reason for the failure to do so.

telephone fees of members or for the mileage of members. It denied that these expenses were incidental to the discharge of the legislature's business. (*Fergus v. Russell*, 270 Ill. 304 and 626.) Nevertheless it may be argued with reason that the telephone is as necessary as are pages and stenographers.

CHAPTER II

THE ORGANIZATION OF THE HOUSES

The first step in the organization of a new legislature is of necessity the preparation of a temporary roll. If the certificates of the members-elect are all regular and uncontested this is a mere clerical duty. But if the majority of one party is small and doubtful, and conflicting election certificates have been presented, the power to draw up the roll is open to abuse, since it is highly desirable to either party to construct an organization which will favor its interests in the contests which are to follow.

THE MAKE-UP OF THE ROLL

Contrary to the practice of Congress, the legislatures of many states have taken the make-up of the roll out of the hands of the clerk of the preceding session and placed the duty upon the secretary of state, who certifies to the correctness of the list of names which he presents. He is presumed to be a more responsible officer than the clerk and any member named on the roll is entitled to his seat until action is taken unseating him.¹

In other states the temporary clerk calls the roll of counties and members-elect present their certificates as their districts are called.² Or the duty may be left with the clerk of the last session, with the specification that only members holding proper election certificates shall be placed on the roll.³ In Colorado and Nebraska permanent organization is delayed until the report of a committee on credentials⁴ but this does not destroy the advantage gained by the possession of a majority on the temporary roll or the importance

¹ Clerk's Manual, New York Assembly (1916), p. 509, and Assembly Journal, 1914, p. 30 *et seq.* Also Legislative Decision No. 25, Michigan Manual (1915), p. 645. Members are, with few exceptions, sworn according to this temporary roll. See journals of any state.

² Fixed by statute in California, Indiana, Minnesota, Montana, Ohio and Texas.

³ Fixed by statute in Arizona, Iowa, Maryland, Nebraska and North Dakota.

⁴ Colorado, Annotated Statutes ¶ 2897; Nebraska, Revised Statutes (1913), ¶ 3742-3743, and the Blue Book (1915), p. 470.

of the clerk's power in making up the same. With these two exceptions, persons appearing on the roll upon which the house is organized take the oath and participate in the permanent organization, and remain members until removed by the house. In New Hampshire, however, no name is to be entered for any district from which conflicting certificates of election have been returned.⁵

The method of making up the roll is usually prescribed by statute. In Illinois, however, it has been left to custom, and confusion sometimes results. At the organization of the 1915 session the president of the Senate of that state refused to admit the roll prepared by the secretary of state, which would have deprived his party of control, on the ground that no statute made this the official roll. The parties were evenly matched, and, as no roll could be agreed upon, permanent organization was delayed for more than six weeks, or until a special committee had completed a recount in the doubtful districts.⁶

CONTESTED ELECTIONS

One of the first questions to engage the attention of the houses is the disposition of contested elections. As shown in the chapter above, this right is exclusive with each house and perhaps no power has led to graver abuses. In no state are such contests dealt with in a systematic way, nor have party organizations hesitated to strengthen their position by high-handed practices in unseating members. Where no immediate decision is necessary to party advantage the contest may drag on for weeks. In 1915 the Assembly Committee on Privileges and Elections in New York spent in two election cases \$9,075.98 for hotel expenses alone.⁷ In 1914 a contested election before the same body was not decided until the day of adjournment, and the duly elected representative served but part of one day. Thus two men drew full salaries for the same office.⁸

Inasmuch as control by the legislature of the election of its members is no longer necessary as a defense against executive encroachment, England has outgrown the conviction that the power

⁵ Public Statutes, Chap. 4, Sec. 6.

⁶ Illinois Senate Debates (1915), pp. 4, 5, *et passim*.

⁷ Itemized account approved by the speaker, *New York Times*, Jan. 26, 1916.

⁸ Report of the Citizens' Union Committee on Legislation for 1914, p. 4.

of decision in contested cases is an inviolable parliamentary privilege, and since 1868 such cases have been referred to the courts.⁹ But the American courts will not permit our legislatures to part with this jurisdiction. The constitution of Pennsylvania directs that the trial of contested elections of members of the General Assembly shall be by courts of law¹⁰ and in conformity to this the legislature designated the courts and the manner of holding trials. The Supreme Court held, however, that by this the legislature was not deprived of the power, granted in another section of the constitution, of judging of the election of its own members. The purpose of the constitution and the statute was merely to provide a method of procuring and presenting to the respective houses evidence necessary for an intelligent decision. Final judgment must rest with the house.¹¹

More recently in two important cases the power of the courts to render even advisory opinions has been denied. The Corrupt Practices Acts of Massachusetts and of Montana provided that cases of contested elections of members of the legislature should be heard by the courts upon the presentation of proper petitions. The judge was to return the findings to the secretary of state to be transmitted to the house for which the contestant was a candidate, and decrees were to be entered in favor of the one shown to be lawfully elected. But in reviewing these provisions the highest courts of both states held that if it was their purpose to give final jurisdiction to the courts, they were void as invading an exclusive prerogative of which the legislature could not divest itself. Moreover, if the decree of the court was to be advisory merely, a non-judicial duty was imposed on the courts. They were made nothing other than the agent of the legislature, and their opinion at best could be only tentative. In accordance with the principle of the separation of the powers of government such use cannot be made of the courts.¹²

⁹ See Parliamentary Debates, July 6, 1906, where a danger is disclosed in the English system. A strong element in Commons wished to drive a justice to resign because of his conduct in an election case. The Prime Minister's indictment of the old method prior to 1868 could be applied word for word to present conditions in our state legislatures.

¹⁰ Art. III, Sec. 17.

¹¹ *In re Contested Election of McNeill*, 111 Pa. St. 235.

¹² *Dinan v. Swig*, 112 N. E. 91 (Mass. 1916); *State v. District Court*, 50 Mont. 134 (1914).

Thus it is seen that escape from the almost farcical proceedings before election committees by following English example is rendered impossible through our unique doctrine of the relation of the departments of government.

SELECTION OF EMPLOYEES

The selection of legislative employees is the third important step in the business of organization. While the needs of different legislatures vary it is generally admitted that, were the selections made on the basis of skill and training, fewer men would do the work more efficiently. The general report from the states is that clerks and employees are chosen solely on grounds of political expediency. Indiana follows the happy plan of making appointments for half the session, employing a new corps for the last thirty days. The following indictment by the Governor of Idaho could apply quite generally;

There has been a general increase in the expenses of succeeding legislative sessions out of proportion to the increase in membership. Previous legislatures have placed upon the pay rolls many more employes than were strictly necessary in the transaction of their legitimate business. Much higher salaries have been paid than would have been necessary to secure similar services by any corporation or individual.¹³

Two years later Governor Clark of Iowa arraigned the legislature in more severe language. Much of the money, he asserted, which was expended for legislative "help" was "pure, unadulterated graft." A dozen doorkeepers were employed where none was needed and clerks sat around the chambers in luxurious ease. The system was reprehensible and indefensible, and he called upon the General Assembly to reform.¹⁴ In the Missouri House it is the custom to allow each majority member to name one clerk. Thus the number of employes bears a strict ratio to the size of the party majority.¹⁵ In Indiana it has been estimated that one-third of the employes could do the work.¹⁶

¹³ Message to the Twelfth Legislature (1913).

¹⁴ Biennial Message of the Governor (Iowa), 1915.

¹⁵ Kansas City *Times*, January 9, 1913. At this session the Democratic majority was the largest in history and approximately 120 clerks were engaged.

¹⁶ Statement of Legislative Reference Bureau in reply to questionnaire of Nebraska Legislative Reference Bureau, 1913.

Wisconsin has solved the problem of legislative help by adopting the civil service principle under the direction of the chief clerk and the sergeant-at-arms of each house, who make the selections from an eligible list furnished by the civil service commission of the state.¹⁷ The number of employes has likewise been reduced to the minimum necessary to carry on the work with maximum efficiency.¹⁸

The officers and employes may be chosen by the house, as is done in Ohio and Pennsylvania,¹⁹ but it is more usual for the house to elect only the more important officers and to delegate to the speaker or the clerk or the sergeant-at-arms the selection of a host of minor officials.²⁰ When the power of appointment to desirable positions with nominal duties is lodged with the speaker his position of leadership is strengthened. In Massachusetts the sergeant-at-arms, who is an officer of both houses and appoints numerous minor officials, possesses a great deal of patronage and is a powerful man.²¹ Sometimes the selection of the rank and file of employes is entrusted to a committee, not infrequently referred to as the "plunder committee" whose nominations are accepted by the house.²²

Where the personnel of members changes as rapidly as in the state legislatures the securing of expert help is of prime importance. An experienced clerk and a skilled assistant may be instrumental in bringing system and order into an otherwise chaotic body of inexperienced legislators. To this end permanency of tenure and a graduated order of promotions are absolutely essential. Such a simple reform would result speedily in an improved legislative product, whereas the prevailing situation makes one or two overworked individuals responsible for the legislative routine while a great number of other employes bask in idleness.

It may be noted here that statutes regulating the manner of organization or method of selection of employes have no binding power, should the house choose to ignore them; and the point of order, that the house is proceeding contrary to law, will not

¹⁷ Wisconsin Statutes, Chap. X, Sec. 111g, and House Rule 9, and Senate Rule 93.

¹⁸ Statement from Legislative Reference Library.

¹⁹ Of course the nominees are selected by a "slate committee."

²⁰ For example, New York and Massachusetts.

²¹ Frothingham, "A Brief History of the Constitution and Government of Massachusetts," p. 97.

²² For example, Indiana H. J. 1915, p. 73; Kansas and Washington also.

usually be entertained. For this the states have Congressional precedent.²³

It is usual to adopt the rules of the last session with perhaps minor changes reported by the rules committee. Until the rules are adopted the house operates under general parliamentary law. On these grounds a motion for the previous question was entertained in the New York Senate and is the only instance on record of such a motion being considered by that body.²⁴

The organization of each house completed and the fact sent by message to the other house, it is customary to appoint a joint committee to wait upon the governor to inform him that the legislature is ready to proceed to business.

²³ See 1 Hinds 82, 242, 245.

²⁴ Clerk's Manual, 1916, p. 650.

CHAPTER III

INTRODUCTION OF BILLS

It is generally recognized that our present legislative machinery was not designed to meet the heavy burdens placed upon it in the form of hundreds of measures introduced each session. Legislative channels are congested by countless bills of individual members, and no satisfactory methods have been devised to stem the torrent. Indeed it is not strange that a procedure developed to secure deliberation for measures introduced by the tens should prove inadequate when measures are presented by the thousands. At a time when legislation is increasing rapidly in complexity and technical detail there exist no limits, except the self-imposed restrictions of individual members, to the number of bills which a house must consider.¹

EARLY METHODS OF INTRODUCTION

The right of a member to demand consideration for a legislative proposal has not always been so clear as at present. In the early days of our state legislatures, following the practice of Parliament, bills could be introduced only by motion for leave or by order of the house, and in either case action by a committee was necessary.² A member seeking to introduce a bill would, after one day's notice, state to the house its general nature and move for leave. Leave being granted, a committee, of which the proponent was always made chairman, was appointed to prepare and bring in the bill.³

¹ See Bulletin of Nebraska Legislative Reference Bureau, "Legislative Procedure in the Forty-eight States," pp. 10-11, for a table of number of bills introduced each session from 1909-1913. Each successive session shows an increase.

² Clark, "Assembly Manual for New York" (1816); Sutherland, "Legislative Manual for Pennsylvania" (1830). See also the journals of New York, Pennsylvania, Massachusetts and Virginia for about the year 1800. For a complete discussion of this method see Debates of Congress, 1 Sess., 20 Cong., 823-827.

³ Earlier practice in Pennsylvania had allowed a member to introduce a bill in place. The rule was, "Any member may read a bill in his place, and by permission of the house present it to the chair; it shall then be proceeded upon as if presented by a committee." (Rule 14, Pa. H. J. 1805, p. 28.) Yet the right was

Closely related to the above method was the order of inquiry, which was simply an order to a committee to consider the expediency of legislating along a certain line.⁴ It was grounded on a presumed lack of knowledge and was an investigation started by the legislature to secure information which could not otherwise be obtained.⁵ At one time generally employed,⁶ this form survived in Massachusetts alone, where it was not abolished until 1893.⁷ By that time it had become the normal way of introducing measures for consideration, but having lost all traces of its original purpose, it remained only as a cumbersome method of initiating legislation. Committees were charged with preparing measures when, because of the great increase in the number presented, their normal function was to sift measures, and great delay resulted.

A petition often formed the basis of a bill in the earlier days. Indeed the chief work of standing committees was the consideration of petitions. Originally, a committee reporting favorably recommended that a select committee be appointed to bring in a bill along the lines of the petition. Reference of a petition, however, soon came to confer authority to introduce a bill formally, although theretofore the committee in possession of the petition had not been able to report by bill unless empowered to do so by a special resolution.⁸ Introduction by petition is still common in some New Eng-

restricted by requiring leave to be obtained. An examination of the journals will show that but few were introduced in this manner and that practically all bills were presented by a committee pursuant to order. So strong was the feeling that measures introduced should first be subjected to review that later the privilege of introducing bills in place was withdrawn, and the colonial practice of introduction solely by committee was restored.

⁴ In Congress it was "a most common form" for measures other than those initiated by petition. (Debates of Congress, 2 Sess., 19 Cong., Col. 776; and statement of Mr. Polk, Speaker, Debates of Congress, 2 Sess., 24 Cong., Col. 1340. See also the journals of the time.)

⁵ Report of the Special Rules Committee, Massachusetts House Documents, No. 5, Session of 1893.

⁶ See journals of the legislatures of the first quarter of the nineteenth century, in particular the journals of Pennsylvania.

⁷ Massachusetts S. J. 1893, p. 155. Today an order of inquiry merely authorizes an investigation and not the introduction of a bill. (Ruling of the Speaker, H. J. 1898, p. 456.)

⁸ See journals of Pennsylvania, Massachusetts or Virginia about 1800. No committee was authorized to report a bill unless granted by resolution the privilege "to report by bill or otherwise." In course of time this was granted to cer-

land states and is required in Massachusetts for all private bills. The petition, however, must be accompanied by a draft of the bill, and although it is in itself a mere survival, only a fraction of even the general measures in Massachusetts are introduced without it.⁹ The point of order that a bill is broader in its scope than the petition will be entertained.¹⁰

The cumbersome method of appointing a committee to prepare and bring in a bill gave place, as the pressure of business increased, to introduction of the complete measure from the floor, upon leave, and after one day's notice.¹¹ At first debate might occur upon the motion for leave but it soon became common to grant leave to all by unanimous consent. Thereupon introduction at will without the formality of securing leave came to be permitted.¹²

From this brief historical survey it is clear that originally the privilege of a member to introduce measures for consideration was not the unregulated right which it is today. The prevailing doctrine was that the consent of the house, or at least of a committee thereof, must be gained before a bill could be admitted for consideration, and in granting assent real deliberation was involved.¹³ The

tain standing committees for the session, and later it was extended to all by a blanket resolution. Afterwards it was incorporated in the rules.

⁹ Massachusetts Senate Rule 22, House Rule 29.

¹⁰ Notes on Rulings, Massachusetts Manual 1916, p. 634. The method permits measures to be proposed without a member being recognized as sponsor, for although some member must endorse each one, he is not thereby made advocate for it. (Frothingham, "Brief History of the Constitution and Government of Massachusetts," p. 93.)

¹¹ As early as 1808 introduction by members from the floor was permitted in the New York Senate. When first recognized by the rules the method was employed but little, the great bulk of proposed measures coming in by petition.

¹² In 1843 in Pennsylvania; House Resolution No. 31. In 1868 the New York Assembly adopted the order of introduction of bills on call of counties (A. J., p. 94). Several states still adhere to introduction by leave in which case one member can compel a motion to grant leave.

¹³ The question was fully discussed in Congress in 1827 when a proposal was up to amend the rules to make it clear that no bill should be introduced except upon the report of a committee, the old rule being so worded as to lead some to fear that bills might be brought in without committee action thereon. The reason given why the House usually admitted notice of intention to introduce a bill was that the judgment of the committee which would report on its expediency would be accepted since the committee exercised a discretion in the matter. In the course of the debate Mr. Archer said: "But if a member of the House may,

sifting forces of the house were thus applied before legislative proposals assumed the dignity of bills. Bills were introduced as the result of committee deliberation and, with the exception of consideration in the committee of the whole, were not usually sent again to a committee.

PERSONAL RESPONSIBILITY OF MEMBERS FOR INTRODUCING MEASURES

In our legislatures, where nothing like a responsible ministry has been developed, action must be inaugurated by the private member. With the exception of appropriation bills, measures are rarely introduced by committee action. Members are proverbially careless about exercising their right. They are not impressed with the value of the legislature's time nor are they conscious that, by their failure to select carefully what measures they will propose, they render deliberation upon them a mockery. A recent investigation carried on among the members of the Nebraska Legislature revealed that only 40 per cent of the bills introduced were the result of the members' own initiative or study of the subject. Sixty per cent were introduced at the request of individuals or societies.¹⁴

Permitting the words "by request," to be endorsed upon a bill, as is done in many states, favors the introduction of trivial measures by relieving the proponent of responsibility. The practice reaches a real abuse in Missouri, where in 1915, 15 per cent of the House bills were "by request." Very rarely in any state do such measures become law. Generally they are never reported favorably from committee. In Pennsylvania such an endorsement means the death warrant of a bill, as members argue that there must be something wrong if the sponsor is unwilling to identify himself with it.¹⁵

on leave, bring in any bill which suits his particular views, and that bill must of necessity pass immediately to its first and second reading, all sound legislation would be at an end." (*Debates of Congress 1 Sess., 20 Cong., Col. 823 to 827.*) Quoted by Chester Lloyd Jones, *Proc. A. P. S. A.*; 1913-14; p. 191.

¹⁴ *Bulletin of the Nebraska Legislative Reference Bureau, "Legislative Procedure in the Forty-eight States,"* p. 9.

¹⁵ Statement of Mr. Scott, Chairman of Committee on Committees, Penna. House, 1913. Illinois and Kansas are notable offenders. The Illinois Voters' League strongly urges prohibition of the practice. (*See Bulletin of December 20, 1914.*) The rule in the Washington Senate is that such bills are not to be printed unless by special order.

The rule that no member shall introduce a bill which he is unwilling to defend and support personally on the floor, although difficult of enforcement, is a good one and should be followed conscientiously.¹⁶ Nevertheless bills are often dropped in "sight unseen." For example, a representative lately confessed that he did not remember who had handed him a bill of far-reaching effect which he had introduced, except that he believed that it had been a woman.¹⁷

Either carelessly or through a desire to be identified with popular legislation, members introduce many duplicate measures. In the 1913 session of the Michigan Legislature, nine "blue sky" laws were introduced.¹⁸ The same year 112 bills were introduced in duplicate in the Nebraska Legislature, and some even in triplicate, one being introduced twice by the same senator and once by a member of the House.¹⁹ Naturally if there is a healthy representation of two parties, both will strive to introduce bills on important subjects; but attempts to facilitate passage by introducing identical measures in both houses are more common and less easy to defend. Legislative reference bureaus have rendered important service in urging members to combine measures and in calling attention to duplicate bills.²⁰ The rules of California permit the committee on engrossment to substitute a bill of the other house identical with one on their own calendar,²¹ and in Oregon a committee exists to pass on all bills before printing and thus avoid duplication.²² For

¹⁶ This is Nebraska House Rule 34.

¹⁷ *Indianapolis Star*, March 2, 1915.

The following colloquy over a bill up for final passage took place at a recent session of the Illinois Senate.

Mr. Dailey: "What is the purpose of the bill?"

Mr. Meeker: "I don't know; the bill was handed to me."

Mr. Dailey: "You are merely the foster-father?"

Mr. Meeker: "Yes, I am the medium through which the bill was introduced."

It may be added that the bill received a majority of the votes of those present but failed to receive the constitutional number and thus failed. (*Senate Debates for 1915*, p. 1130.)

¹⁸ Reply to questionnaire of Nebraska Legislative Reference Bureau.

¹⁹ Statement from the Nebraska Legislative Reference Bureau.

²⁰ The South Dakota Legislative Reference Library reports particular success along this line.

²¹ Assembly Rule 9; Senate Rule 3.

²² Statement in reply to Nebraska Questionnaire, 1913.

the same purpose the printing committees of the Washington houses are instructed to scan all bills.²⁴

RESTRICTIONS UPON THE FREE INTRODUCTION OF MEASURES

The increasing number of bills presented has led to discussion as to the feasibility of establishing some form of censorship upon their introduction. But as brought out by the Massachusetts committee to revise legislative procedure, the duty of the censor would necessarily be more than clerical. Consequently it could not be delegated to anyone outside the legislature, although it is unlikely that any group of members could exercise any material power of selection without incurring the dislike of their colleagues and becoming the victims of political scheming.²⁴ A proposal, recommended by a joint committee of the Massachusetts Legislature in 1910,²⁵ designed to sift measures by limiting the number one member might introduce, did not meet with the favor of the two houses, inasmuch as they were unwilling to restrict their present unlimited right. Any innovation with this purpose in view is apt to run counter to the accepted belief that the channel should at all times be kept open in order that the overtures of the most humble citizen may easily attain legislative consideration.

There are numerous provisions of one kind or another limiting the time in which bills may be introduced, but their purpose is rather to protect against hasty legislation than to restrict the quantity. In two states, however, rules have been adopted designed to decrease the number which each member may propose. Introduction of bills in the Georgia House is in order but three days a week, and a member can present but one bill of a general nature each day.²⁶ In Illinois a member may introduce three bills a day during the first three weeks; thereafter on Tuesdays only.²⁷ But the efficacy of these provisions is greatly weakened by the custom of granting unanimous consent to introduce bills at any time.²⁸

²⁴ *Ibid.*

²⁵ Report of the Massachusetts Committee to Revise the Rules, 1915, p. 29.

²⁶ *Ibid.*, p. 28.

²⁷ House Rule 40.

²⁸ House Rule 18.

²⁹ Mr. E. D. Shurtleff, member of the Rules Committee of Illinois House, states that he has never known such consent to be refused.

From California comes the latest novelty in the form of a constitutional

PRESENT-DAY METHODS OF INTRODUCTION

The procedure followed in introducing a bill varies somewhat in the different states. In a few the rules require that the old formality of asking for leave be carried out.²⁹ In others introduction by roll call of counties is still observed.³⁰ Under the latter procedure a member rises as his county is called and notifies the speaker that he has a bill to introduce. A page then hurries a copy to the clerk who reads the title to the house.³¹ In Illinois bills are introduced upon a roll call of members.³² The more general practice permits members to secure recognition from the presiding officer when the house is under the proper order of business, and to send the bill to the clerk who reads the title. This constitutes the first reading. If, however, the constitution requires three readings in full, a pretense of reading the text is made.

To escape the useless waste of time involved in the above procedure, several states, after the example of Congress, provide a box in which bills are deposited,³³ or have required that they be filed amendment offered in a resolution to the Assembly. Bills are to be presented to the Supreme Court before the legislature convenes, which shall render an advisory opinion as to their merits. The number which members may initiate after the session opens is greatly restricted. (Assembly Constitutional Amendment, No. 57, Feb. 3, 1913.)

The effect of California's first "split session" was an increase of over one thousand bills presented. The first thirty days were largely devoted to introduction of measures. (Statement from State Library to Nebraska Questionnaire, 1913.) But in 1915 the number swung back to normal. (Key to Chaptered Laws for 1915.)

²⁹ True of Connecticut, Delaware, Iowa, Louisiana, Nebraska, and New Jersey Senate.

³⁰ Georgia, Indiana, Kentucky and Ohio.

³¹ Hughes, "Guide to Parliamentary Practice in Ohio" (1913). This follows the early practice of Congress when motions for leave or resolutions of inquiry were introduced upon a call of the states. Debates of Congress, 2 Sess., 24 Cong., Col. 1341.

³² House Rule 18, and "Law Making in Illinois," pamphlet issued by Illinois Legislative Reference Bureau.

³³ Maine, New Hampshire House, New York, North Carolina Senate. In 1914 New York adopted the requirement that before a bill is placed in the box it must be stamped by the clerk to show that it was presented personally by a member. This was to prevent bills from being dropped in by other persons, chiefly clerks.

beforehand with the speaker or clerk.³⁴ Thus bills receive their first reading and reference to committee one day after they have been presented to the house, the speaker being given time to select the appropriate committees.³⁵ Otherwise his reference is the result of a snap judgment. The reading of titles on introduction and oral reference by the presiding officer, consumes precious time. The whole order of business is gone through in the most perfunctory manner. Members pay no attention, relying upon the printed journals or calendars to learn all they want to know. And inasmuch as the printed journal of the day's proceedings appears the next morning there is no reason why introduction and reference should consume any time of the house whatever. Notice in the journal would be sufficient and, where no constitutional obstacle prevents, following the practice of Congress, could be counted as first reading.

It is required by the constitutions of nine states that notice of intention to introduce a private or local bill be published,³⁶ and the legislative law of seven other states requires that notice be published or served.³⁷ In Massachusetts and South Carolina private bill legislation must be founded upon petition,³⁸ and thus is retained a trace of the ancient practice when all legislation was based upon petitions for redress of grievances. In this connection it has been urged that a return to the practice of initiating private measures by petition and the numbering of them in a series distinct from public bills, would prove the first step towards developing a special procedure in private and local matters.³⁹ This is indeed a consummation devoutly to be wished. Since a bill for the particular benefit of certain persons or of a special locality may prove injurious to others, the passage of such a measure involves a judicial inquiry

³⁴ Minnesota, Pennsylvania, and Virginia.

³⁵ New York Assembly Rule 6; Pennsylvania House Rule 10.

³⁶ Index-Digest of State Constitutions. They are: Alabama, Arkansas, Florida, Georgia, Louisiana, Missouri, Oklahoma, Pennsylvania and Texas. North Carolina and New Jersey simply require notice before passage.

³⁷ Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and West Virginia. Connecticut, Maine, New Hampshire and Rhode Island require publication before the beginning of the session.

³⁸ Massachusetts Senate Rule 15, House Rule 31. Code of South Carolina (1912) ¶ 34-38.

³⁹ See article by J. David Thompson, "An Analysis of Present Methods of Congressional Legislation," *Proceedings A. P. S. A.*, Vol. X, p. 168.

and determination, rather than a decision on public policy. Recognizing this fact, the English Parliament treats it very much as a lawsuit would be treated, and the preliminaries attending its introduction closely resemble the pleadings in a civil suit. We have, however, made but feeble progress in dealing with private bill procedure, nor has the mere provision that they be accompanied by petitions availed anything in Massachusetts. If the petition were required to set forth the scope and object of the bill and opportunity were given for adverse interests to file a counter petition something approaching a civil pleading would be attained. These claims and counter claims could then accompany a bill throughout its legislative progress.⁴⁰ South Carolina has gone so far as to require that the petition must set forth the merits of the case and why the purpose cannot be accomplished by general law, and a statement that all parties known to be concerned have had the requisite notice must be included.⁴¹ Connecticut statutes provide that petitions of an adversary nature must be accompanied with a citation to the adverse parties to appear, and twelve days notice must be given before the day of appearance.⁴² School fund petitions are returnable a month before the session opens and are heard by a special commission which reports to the General Assembly.⁴³

⁴⁰ Recommended by the Governor's Commission of New York (1895). See New York Assembly Document No. 20, 1896.

⁴¹ Code of South Carolina, *supra*.

⁴² General Laws of Connecticut (1902) ¶ 7.

⁴³ *Ibid.*, ¶ 15.

The procedure which promoters of private bills in Parliament must observe before application is made are given in the Standing Orders of the House of Commons, Part II. They exist unchanged today as summarized by May, "Parliamentary Practice," pp. 679-684. It will be seen that petitioners must furnish complete information for the guidance of the committee which is to carry on the investigation. Proof that all conditions have been fulfilled must be exhibited to one of the Examiners of Petitions for Private Bills, who are officers appointed by the Speaker. (S. O. No. 2.)

The Canadian legislatures have followed the English precedent. The rules of the Ontario Legislature, which have served as models for the western provinces, specify in detail what the petition shall contain and what additional matter shall be deposited with the clerk. The Committee on Standing Orders reports on the sufficiency of the notice, and the clerk certifies that the necessary documents have been deposited with him. No motion for the suspension of these rules is entertained unless reported by the Committee on Standing Orders. (Rules of the Ontario House, 51-59.)

In view of the meager information conveyed by the title there has been some agitation in favor of requiring an explanatory note to accompany each bill on introduction. New Jersey adopted a rule which reads: "Each member when introducing a bill shall submit with each copy a statement setting out the objects proposed to be accomplished by its enactment and the localities or persons the bill will affect, which statement shall be referred to the committee with the bill."⁴⁴ These statements are pasted on the printed copies of the bills in the hands of the members and, although not considered an integral part of these documents, are very helpful to all. The speaker of a recent session reports that the rule has been particularly useful in cases where the statute proposed contains no language except that which repeals an existing law. Where the proposed legislation affects special localities or individuals the notice informs the reader at once. The Wisconsin House requires a similar synopsis to be presented with the bill, but it does not appear on the printed copy.⁴⁵ When it is remembered that the modern legislator has thousands of pages of printed matter before him, much of which is of an amendatory nature, on which he is supposed to assert an opinion, the value of a trustworthy summary of the provisions of the bills on his file is obvious.

⁴⁴ House Rule 71. It is optional in the Senate; Rule 36.

⁴⁵ Rule 40. Bills in the Illinois Senate sometimes have explanatory statements appended to them but they amount to little. A rule similar to the New Jersey one, proposed by Progressives in the 1913 session of the New York Assembly, failed of adoption. (Journal, p. 17.)

CHAPTER IV

COMMITTEES

The real work of the legislature upon which the quality of legislation depends is fundamentally the work of the committees. With them rests the burden of sifting from the innumerable bills presented those worthy of consideration by the whole house, and upon them is laid the duty of revising, amending and presenting these measures in what is usually their final form. They are the only agents, as yet developed in this country for this purpose, upon which responsibility can be lodged.

In our state legislatures a meeting of the body of the house has lost much of its deliberative character. Discussion, save on occasional matters of political importance, has almost disappeared. Members in their desire to get business done are impatient and hostile to speech making, and a too conscientious member who tries to thresh out measures on the floor falls quickly into disfavor. The individual must consequently depend upon the judgment of a committee, inasmuch as pressure of time allows but little parliamentary discussion of even the most important legislation, and it is a physical impossibility for him to read the mass of printed matter prepared for his information and guidance.¹ The committees must therefore be little parliaments in very fact, and it is no exaggeration to say that they are the most important factor in legislative procedure. Nowhere are experience and intellectual power better rewarded than in the detailed discussion possible around a table in a committee room.

EARLY FUNCTION OF STANDING COMMITTEES

In the early days when bills passed through the censorship of a select committee before introduction, the need for standing committees was not great. In 1800 there were but seven standing committees in the New York Assembly,² and their duty was solely

¹ A prominent member of the Pennsylvania Legislature states that at the close of a session he once piled on the floor the printed matter he had been expected to peruse. The pile was more than four feet high.

² Journal of the New York Assembly (1800), p. 35.

to report upon petitions referred to them. If the petition was worthy, the standing committee reported a resolution that a select committee be appointed to bring in a bill. Because of the increasing number of petitions, the standing committees had by 1830 increased to twenty-nine, and had been granted the right to introduce measures based upon petitions.³ However a bill might be introduced, it went immediately to the committee of the whole for consideration; for even private members' bills introduced on leave without the mediation of a committee escaped reference to a standing committee. If, after debate in the committee of the whole, imperfections remained, a bill might be committed to a standing committee, but such aid was seldom demanded. As, in the course of time, private members came more and more to introduce measures upon their own responsibility, the question of keeping clear the calendar of the committee of the whole became serious. Hence arose the modern practice of referring measures upon introduction to standing committees. Thereafter only select measures ever reached the committee of the whole.

In Pennsylvania it was not until 1813 that standing committees were recognized by general resolution empowering the speaker to appoint them,⁴ and it was not until 1827 that they were made a regular institution by the rules.⁵ Their chief function was to undertake orders of inquiry at the command of the House, but their power to report by bill had to be authorized by specific resolution. By 1825, however, it had become the custom to grant this authorization by blanket resolution, and by 1830 the right of standing committees to report by bill was embodied in the rules.⁶ Repeating the experience of New York, reference to a committee upon introduction became the regular procedure when individual members began to present measures freely from the floor.

SELECTION OF COMMITTEES

The appointment of committees is today a principal source of the speaker's power, for the practice of selection of committees by the house has met with negligible acceptance. The Nebraska House,

³ *Ibid.*, 1830, pp. 37-39.

⁴ Pennsylvania House Journal, 1813, p. 10.

⁵ House Rules (1827) No. 28.

⁶ Sutherland's Manual for Pennsylvania (1830), p. 81.

however, is an exception in that it has a committee on committees whose selections it approves, and the same is true of Utah. Pennsylvania after one trial of this system in 1913, when a strong progressive element sat in the House, has returned to the old method of appointment by the speaker.

Methods of appointment of senate committees differ more widely. In the majority of cases the selection rests, under the rules, with the president, but since in most states he holds his office by virtue of the fact that he is lieutenant-governor and may be of a political faith in opposition to the majority, this prerogative is sometimes denied him. In Oklahoma the constitution prescribes that senate committees shall be elected by majority vote,⁷ and in five other states the rules specify that the choice shall be by the senate.⁸ In the Senates of Kansas and Nebraska, committees are selected upon the recommendation of a committee on committees. The committees of the Vermont Senate are chosen by a group of three, viz., the president, the president pro tem, and one member elected by the body, but the right to overrule their appointments is reserved. In Connecticut, Delaware, Missouri, and Pennsylvania the selections are made by the president pro tem, who is also the majority leader.

Since the president of the senate is not usually a member of that body, his committee appointments are apt to be dictated by the party leader. Indeed the actual power of selection is so commonly surrendered that a recent attempt of the president of the New York Senate actually to exercise his parliamentary prerogative evoked surprise. Objecting that he had not been consulted regarding certain appointments which he did not approve, he refused to accept the responsibility of promulgating them. The party organization thereupon took the appointing power out of his hands and, having vested it in the Senate, put through the slate as voted in caucus. However, the responsibility for the appointments was lodged clearly where it belonged.⁹

The minority members of committees in New York, Illinois and elsewhere are customarily chosen by the minority leader, the speaker

⁷ Oklahoma Constitution, Art. V., Sec. 28.

⁸ Illinois, Ohio, Rhode Island, Virginia and Wisconsin.

⁹ Albany Knickerbocker Press, January 14, 15, 1915. *New York Times*, January 14, 15, 1915.

being satisfied with exercising his control over members of his own party.¹⁰

Usually the member first named upon the committee becomes chairman. Because of the loose manner in which committee business is conducted, the chairman exercises an influence greatly in excess of that enjoyed by similar officials in Congress. The power to designate who they shall be is, therefore, highly prized by the speaker. In view of the abuse to which this power may so easily be put, committees should be permitted to choose their own chairmen, as is done in both houses in Rhode Island and Wisconsin, and in the West Virginia Senate.¹¹

Few phases of legislative procedure have evoked more criticism than that which vests the committee appointing power in the speaker. Without doubt it renders him a very powerful official, not only because it gives him control over measures placed in the hands of trusted worthies, but because, by granting or denying committee places as rewards and punishments, his position as leader is strengthened.¹² Nevertheless, it is possible that much of this criticism is unmerited in view of the difficulties of apportioning desirable committee berths among aspiring candidates. In addition to due care for party interests, consideration must be given to ability, experience, geographic distribution, et cetera, and regardless of the effort expended, the conscientious speaker is apt to find that his selections contain sinister combinations. The chairman of the committee on committees in the Pennsylvania House of 1913, who figured largely in the reform of the rules at that session, reports that his committee worked night and day in an attempt to distribute places fairly and honestly, yet the result of their labor drew the common charge that corrupt interests had prevailed.

NUMBER AND SIZE OF COMMITTEES

In many states the very number and size of committees defeats the purpose of their existence. The energy of members is dissipated

¹⁰ At the 1915 session of the Illinois House the speaker for the first time in years named full committees himself, refusing to recognize any leaders in the badly disorganized minority.

¹¹ Under the Pennsylvania Rules of 1913 each committee elected its own chairman, but this feature was dropped when in 1915 the legislature returned to the old method of committee appointments.

¹² Illustrations are familiar to all. They appear clearly whenever the selection of a speaker has exposed the party to factional disturbances.

by service on many committees. Meetings must often be scheduled at inconvenient hours and conflicts occur constantly. Amid such circumstances a reduction in number through combination and elimination becomes the first condition of reform. To cite extreme examples: the Iowa House has sixty-one committees, ranging in size from nine to forty members, membership on eight being the minimum for any one representative. In addition to a committee on agriculture of thirty-nine members there are committees on dairy and food, animal industry, drainage, horticulture, and agricultural college. There are nine dealing with different phases of education, in addition to one on educational institutions with twelve members, and one on schools and text books with twenty-eight members.¹³ The Kansas House has fifty-five committees. In addition to several useless ones, such as federal relations and immigration, there are six dealing with subjects which could more easily be handled by the committee on agriculture, six dealing with matters of education and five with municipal affairs.¹⁴ The Michigan Senate with thirty-two members has sixty-two committees, fifteen of which could be grouped under one on education.¹⁵ The Kentucky House boasts seventy committees, each member serving on six, and in Georgia members serve on an average of nine. Although, as has been stated, these examples are somewhat extreme, Pennsylvania's average of five places per member is typical of the vast majority of states.

Such an endless multiplication of committees would of course be impossible if it were not that the burden of work is confined to a few of the more important while others meet but irregularly throughout the session. Everywhere the committees on appropriations, judiciary, and municipal affairs will be found crowded with work. Of less importance, although with plenty to do, will be found committees dealing with agriculture, banking, county affairs, education, corporations, railroads, fish and game, and roads and bridges. Then follow the committees whose work is almost negligible. It has been stated by members of experience that twenty-three of the forty-one committees of the Pennsylvania House are of no importance and could readily be abolished. Of the thirty-eight com-

¹³ House Rules for 1915.

¹⁴ Rules for 1915.

¹⁵ Rules for 1915.

mittees of the Ohio House of 1915, there were sixteen which considered less than ten bills each out of a total of nine hundred and twelve introduced.¹⁶ In the session of the same year twelve committees of the Vermont House, eleven of the Senate, and six joint committees, received less than ten bills each.¹⁷ Evidently some readjustment is needed. A few committees are overwhelmed; others never meet.

On the other hand, the distribution of business among the joint committees in Massachusetts is much more equitable, only seven of the thirty in a recent session receiving less than forty bills.¹⁸ Vermont attempted reform at the 1917 session by combining sixteen committees into seven, but no attempt was made to relieve the more congested. In Wisconsin the reform has been worked out to its logical conclusions. Senate standing committees have been reduced to five with no member serving on more than one, and the number in the House which consider legislation is now fifteen with a total of but 112 places for 100 members.¹⁹ In Rhode Island, also, members serve as a rule on but one committee.

The advantages of the plan are obvious. Each committee becomes an important part in the legislative system, performing a decent amount of the legislative business. Full attendance at meetings is possible because members are not bothered by conflicting committee schedules, and chairmen do not have to exert themselves to secure a quorum.²⁰ In those states where capitol space is limited the simple matter of finding rooms for a multitude of meetings is serious, preventing a committee from enjoying permanent quarters.²¹ While under a system of few committees there would still be degrees of importance; and experience and capacity would still be rewarded by places upon the leading committees, each would have sufficient work to do. Meetings could be held at regularly scheduled hours when members are fresh for the work. By devoting their whole attention to the business of one committee, legislators could become

¹⁶ Ohio H. J. 1915, pp. 1947 *et seq.*

¹⁷ Report of Joint Committee, 1917, pp. 6, 7.

¹⁸ Report of Joint Committee on Procedure, 1915, p. 36.

¹⁹ S. Rule 20; H. Rule 22. This was accomplished at the 1913 session when the number of committees was cut in half. (Ass. J. pp. 98-99.)

²⁰ It is a general complaint that committee meetings are not well attended. Congress has the same difficulty.

²¹ North Carolina and Vermont report specific difficulty of this kind.

specialists along the lines of their service. Committee proceedings would possess weight and dignity, so sadly lacking in our state legislatures, but without which no deliberation can be a success.

The opposition to a rearrangement along the lines indicated comes from a desire to multiply honors. Representatives are loath to surrender the prestige and perquisites derived from membership on many committees. The recent progressive wave in the Illinois House spent itself when the number of committees had been reduced from sixty-seven to thirty-three, with each member serving on from five to eight,²² and at the 1915 session of the Kansas Senate a motion to authorize a reduction from forty-one to twenty-one failed without a roll call.²³

REFERENCE OF BILLS

Upon introduction and before consideration by the House, a bill is referred to a standing committee in whose possession it remains until reported back or until the committee is discharged. Except in rare instances the presiding officer designates which committee shall receive the measure. The rules often permit discussion at this point by providing that the question "Shall the bill be rejected?" may be raised, but this never occurs in practice. Sometimes reference does not take place until after second reading, but in such cases second reading usually follows immediately upon first. Consequently nothing is gained by adherence to an ancient practice observed by Parliament, inasmuch as with us the merits of a bill are no longer debated on second reading and afterwards referred to a committee for review of the details.²⁴ In Arizona and Ohio the bill is printed and on the desks of members before reference.²⁵

When bills are referred by the presiding officer immediately upon introduction they are apt to be distributed more or less at haphazard among the various committees. Thus in Vermont, within a period of three sessions, woman's suffrage bills were sent to committees on municipal corporations, internal affairs, temperance,

²² H. J. 1915, pp. 132-133.

²³ S. J. 1915, p. 4.

²⁴ In Arizona, Louisiana, Missouri and Ohio the rules provide for reference after second reading, but as the constitutions require readings to be on separate days, reference is delayed one day after introduction.

²⁵ Arizona House and Senate Rules 9; Ohio, House Rule 73 and Hughes' "Parliamentary Guide."

judiciary, ways and means and grand list.²⁶ By requiring measures to be filed with the clerk previous to introduction or by allowing a day to intervene between introduction and reference such careless disposition of measures can be avoided.

In at least three states the speaker has been deprived of his power of reference. In Ohio and Virginia members of the House designate the committee, and Maine practice, in keeping with her system of joint committees, provides a joint standing committee whose function is to assign bills to the proper committees.²⁷ Permitting a member to specify what committee shall consider his bill robs the speaker of a great deal of control over its fate, for the latter is sure to have at least one committee dominated by his adherents. Even if committees are elected by the house his power is large, since his reference is rarely overruled by contest on the floor.

Where joint committees are used as extensively as in Massachusetts and Connecticut the process is a little more involved. Reference by the presiding officer in one house must be confirmed by the other and when such concurrence is refused, it is the usual, although not the invariable practice, for the first house to recede from its position and to pass a resolution agreeing with the new reference. As differences of this sort are quite frequent the reference of the presiding officer is constantly checked up by the other house and his own.²⁸

Formal reference by the speaker before the assembled house consumes valuable time and serves no useful purpose. Members pay no attention to this order of business, practically denying themselves the right to review the action of the speaker. Notice of the reference in the daily journal or calendar is quite sufficient, if opportunity is given to move to revise the speaker's action. The rules of the Virginia House require the clerk to refer bills in accordance with the endorsement of the proponent and to enter the fact on the journal. He is then to prepare a daily list of all bills offered with their patrons and references.²⁹ A member thus learns readily what

²⁶ Memorandum of Vermont Legislative Reference Bureau, 1916.

²⁷ This procedure was adopted as an improvement over the old method of concurrent reference.

²⁸ See Journals of Massachusetts and Connecticut. Maine, as noted above, employs a joint committee on reference.

²⁹ House Rules 7, 37 (1915). Urged by the Massachusetts Joint Committee in its report on the reform of the rules, 1915, p. 33.

disposition has been made of his measures, for the general confusion on the floor and the sing-song manner in which reference of bills is carried on precludes even the most diligent from profiting by public announcement.

COMMITTEE MEETINGS

The efficiency of the committee system may be impaired by inconvenient hours of meeting. Too often the program of the house makes no allowance for the time necessary for the meetings of the committees. As a consequence they frequently are compelled to snatch a few minutes at recess or at the close of the day when all are tired and anxious to get home.³⁰ Although forbidden by the rules, meetings during a sitting of the house are common toward the end of the session. Morning seems to be the best time for committee meetings for then the members are fresh for the most important part of their legislative duties. The customary hour in Massachusetts is 10:30 a.m. Members accordingly plan to devote their mornings to committee work, which therefore becomes as regular a part of the routine as the session on the floor. Occasionally meetings are held at night but only in order to clear up a crowded calendar.

COMMITTEE SCHEDULES

A *sine qua non* of effective committee work is the maintenance of a fixed schedule of meetings, which should be arranged by a responsible person and to which members should strictly adhere. The practice of drawing up a loose schedule at an informal conference of several chairmen provokes conflicts and ends in holding meetings whenever a quorum can be gotten together. Moreover, if choice of time is left to the convenience of the individual members, meetings are most numerous in mid-week, with the consequence that the house calendar is crowded on three days a week with bills reported out, but light on other days. Stated sessions of committees would go far towards keeping each day's business uniform.³¹ Furthermore, adherence to a fixed schedule, permitting special meetings only after one day's notice, removes the old evils of "snap meetings."

³⁰ Discussed in the Bulletin of the Nebraska Bureau, Procedure in the Forty-eight States, p. 17. In Arizona sessions frequently convene to insure presence of members and recess immediately for committee work.

³¹ Recommended by the Vermont Special Committee, 1917.

It has not been uncommon for a meeting to be held without the customary announcements, at midnight or other convenient hour, at which only the friends of the measure could appear. Afterwards the bill might be reported out at any time to an unsuspecting legislature and rushed through before the opposition regained consciousness.

Few states have attempted to introduce system into their committee schedules. To do so involves a surrender in part of each committee's freedom of action and is at variance with the feeling that somehow it is beneath the dignity of a committee to allow itself to have a schedule imposed upon it. A measure of progress has, however, been made. In the 1915 session the Nebraska Legislative Reference Bureau submitted a plan of committee meetings which was followed in the main, and in California a committee is ordinarily appointed for the same purpose. The presiding officers of the South Dakota houses, in consultation with others, work out a schedule for the session, and in New York the various chairmen meet with the clerk and arrange a schedule which is carried out quite successfully. In Minnesota a measure of responsibility for arrangement of committee meetings is placed by the rules upon the rules committee.³² The attitude, however, of most legislators is illustrated by the refusal of the Vermont legislature in 1917 to adopt an elaborate schedule of meetings which aimed to cure much of the old evil.

If committee schedules are to be made a complete success it is best that they be arranged by someone outside the house, who can devote the necessary attention to the details. The smoothness with which the Massachusetts system works is due largely to the effort of the person in charge of the weekly bulletins, whose duty it is to confer with the different committee chairmen and clerks and to arrange a schedule of meetings accordingly.

The value of committee deliberations would be enhanced if they were to proceed according to calendars announced beforehand, but the nearest approach to this innovation occurs in announcement of committee hearings.³³ In Massachusetts this latter serves virtually

³² Assembly Rule 19 permits variations from this schedule only on one day's notice or a call of the majority.

³³ Committee calendars were urged by the Progressives in the New York Assembly in 1913 but to no avail. (*Journal*, p. 19.) A resolution offered recently

as a calendar, since custom secures for each bill a public hearing. Frequently in this state committee action is taken in executive session at the time of the hearing although it may be postponed to a certain day, but inasmuch as regular executive sessions are held at stated intervals members know when certain measures are to come before the committee for final action.³⁴

It is generally accepted that an opportunity for a hearing should be given on each measure and that notice of same should be published in a way that all interested may have an opportunity to attend. Massachusetts publishes twice a week a bulletin of hearings which is copied by the newspapers, and daily, at 2:00 p.m., a printed list is issued of all assignments for the morrow. Notices are also sent to petitioners. In New York, Illinois and Wisconsin notices of hearings are published in weekly bulletins. In whatever manner the notice may be published, it is the general rule, to which Massachusetts is an exception, that hearings are granted at the will of the party leaders and not as a matter of right. An old trick is to fix a date and, if the legislation involved is unwelcome to the bosses, to postpone the hearing when the advocates of the measure have assembled their forces. Thus the latter are worn out by successive postponements.

The importance of committee deliberation is recognized in eleven state constitutions by provisions requiring committee action on bills.³⁵ The constitutions of Alabama and Virginia require that the committee be in session to consider the bill. This is the simple principle that no business should be transacted except in regular session with a quorum present, although the rules of but few legislatures mention the matter of a committee quorum at all.³⁶ Regardless of the constitutional provision in Pennsylvania directing that there shall be a committee report on each bill, committees frequently report without a meeting. The chairman may secure the individual assent of a majority of his committee, or late in the session he may merely rise in the House and ask if any members of

in the Illinois House authorizing notice to committee members of bills scheduled for consideration died in committee. H. J. 1915, p. 342.

³⁴ Frothingham, *supra*, p. 106.

³⁵ Index-Digest, State Constitutions, p. 839.

³⁶ In Illinois, Iowa, Kentucky, Minnesota, New York, West Virginia, and Wisconsin a majority shall constitute a quorum under the rules. In California the decision is left to the committee although it shall never be less than one-third.

his committee are opposed to his measure, and if strong objection does not appear he reports the bill favorably. Against such procedure a point of order that a bill was not considered in committee will not be sustained as it is not competent for the chair to go back of the committee report.³⁷ Proxy votes are also an evil and where they are admitted it is difficult to maintain committee work on a high plane. New York has recently forbidden their use.

COMMITTEE RECORDS

The general custom of "the short roll call," by which measures reported favorably pass the house without an actual division, gives to committees the power of life and death over the vast majority of legislative proposals. Yet final action is commonly taken in secret session. The rules of Ohio and Florida require that all committee meetings be public, but these are exceptions and the procedure in New York is typical. Committees have an open session and an executive session. Different members may appear at the open session and call up bills they have introduced,³⁸ but at the executive session all outsiders are excluded. Here the discussion is strictly secret and no information concerning it is to be divulged except through the official records.³⁹

But to open committee deliberations to the public is not sufficient alone to fix responsibility definitely, and the most common device for turning the searchlight upon the dark recesses of committee action has been to require records of their proceedings to be kept. Committee records in one form or another have been adopted by the rules of one or both houses in fifteen states. The record in Wisconsin is most complete. It includes the time and place of hearings and meetings, the attendance of members, the names of persons appearing before the committee with the firms they represent, and the votes of members on all questions. The chairman is charged with the responsibility for its keeping and a copy follows the bill when reported to the house. It is to be accessible to the

³⁷ Pa. H. J., 1868, pp. 713-714; 1901, p. 303; and elsewhere.

³⁸ Some houses require by rule that the sponsor of a measure be notified when it is to come up in committee; others only if the report of the committee is to be adverse.

³⁹ 1916 Clerk's Manual, N. Y., pp. 530-531. Where such courtesy prevails the necessity for an official report of all proceedings is increased.

public and after the session is filed with the secretary of state.⁴⁰ For the sake of making it easily available in order that its purpose may not be defeated, it would be wise to make the record of votes an integral part of the committee's report. It would then appear in the journal and would be preserved for all time. The Progressives of the New York Assembly of 1913 secured the adoption of a rule that the report of the committee must contain the names of the members present when action was taken and their vote, these to be entered on the journal,⁴¹ but as a matter of fact the journal gives only the names of those who favored the report. Ohio and Kentucky accomplish practically the same result by requiring that all in favor of the report sign it, their signatures being spread on the journal. The advantage in recording the votes of committees on the journals is in the wider publicity given them and the greater assurance that they will be preserved, the full minutes being filed in the secretary of state's office.

The experience of the Illinois House demonstrates that merely to pass a rule requiring that committee records be kept may be of no effect. A rule for keeping records similar to the Wisconsin rule was adopted at the 1913 session, but at the end no deliveries were made to the secretary of state as had been provided.⁴² At the following session complaint was early made that bills were being reported unaccompanied by a report of the roll call,⁴³ and it is doubtful if Illinois has even yet succeeded in her purpose. Had the votes of committees been entered on the journals the members could not have avoided going on record, for it would have been in the power of the minority to have made trouble by protesting.

The publication of full committee records will go far towards introducing regularity in committee proceedings, and to this end they should contain more than a statement of the vote upon the report to the house; they should include the votes on every question put to the committee, as the Wisconsin rules provide. By turning light upon committee proceedings the members would be brought

⁴⁰ Wisconsin Joint Rule 6.

⁴¹ See Assembly Journal, 1913, p. 19, and Rule 21.

⁴² Bulletin, Legislative Voters' League of Illinois, Nov. 20, 1914.

⁴³ House Resolution No. 53, 1915 H. J., p. 237. This was a resolution to investigate the breaches of the rule but was never reported out of committee. Statement of Mr. Shurtleff of the Rules Committee bears out the above.

to give this phase of their work the attention it deserves. Committees would be unlikely to smother important legislation by failure or refusal to report inasmuch as responsibility could be easily located, but naturally, reform of this nature is steadily opposed by the leaders of the "old guard." For example, when the proposal under consideration was offered at the last session of the New Jersey House it was defeated by the argument of a leader that the power to discharge a committee was sufficient protection against possible iniquities therein.⁴⁴

Committee work can be much facilitated by the employment of expert clerks to look after the drudgery of details. To this end it would be well to organize all clerical assistance to committees under a head clerk of committees with a permanent tenure of office. The success of the Massachusetts system is in part due to the effort expended by the clerks. Although the custom is to appoint the youngest member of the committee as clerk yet his position in the next legislature is dependent upon the ability with which he handles the affairs of his committee, and if he performs his duties with success the way is opened to coveted places later.

JOINT COMMITTEES

The system of joint committees, highly developed in Massachusetts, Maine and Connecticut, has produced excellent results. In Massachusetts all except judiciary and ways and means are joint; judiciary usually sitting as a joint committee and ways and means sitting separately as a double check on money bills.⁴⁵ With the exception of the latter committee it will be observed from the lists of committees in the three states where the joint system prevails, that the separate house committees are concerned with the business

⁴⁴ The Philadelphia Record, Jan. 10, 1917.

NOTE:—The argument presented against a proposal, made during the general revision of the rules of Congress in 1880, that the report of a committee shall include the names of the members concurring, in reality sets forth two good reasons for the system of committee records advocated above. It was objected that a member would have to scrutinize every bill before his committee and come to a deliberate conclusion on it, and that the confidential element in committee action would be destroyed. (*Congress. Record*, 46 Cong., 2 Sess., p. 826.)

⁴⁵ All money bills must pass through the individual scrutiny of the ways and means committee of each house, although they may have been acted upon earlier by another committee.

and procedure of each house as a unit in itself, and that matters necessitating concurrent action are delegated to joint committees. The house membership on joint committees greatly exceeds the senate, in Massachusetts the ratio being eight to three. They act and vote, however, as a unit; there is no house rivalry. They are, therefore, joint committees in reality. The rule in Massachusetts is that bills are to be reported back to either branch, having reference to an equal distribution of business between the two, except that money bills must go first to the House. The practice also permits a bill to be referred to two joint committees in turn sitting jointly, as for example, a bill relating to the sale of milk and cream was turned over to the committees on agriculture and public health.

It is not too much to say that the success of Massachusetts, the state in which the committee system is most highly developed, is due in a considerable measure to her joint committees. As pointed out by Professor Reinsch, public attention tends to be attracted to joint committees more than to innumerable committees of both houses.⁴⁶ Committee sessions consequently become orderly and dignified. Advocates or opponents of legislation are not compelled to plead their cause twice, and duplication of clerical duties is escaped. Opportunity is given to reduce the number of bills which the houses must consider by combining bills on the same topic into one which embodies the good points of all,⁴⁷ and a broader view is possible than can be acquired by committees of a single house.

The objection to the joint committee is that it substitutes a single consideration of a measure for consideration by each house separately, which is the theory of the bicameral system, and on this ground Vermont at the last session abolished all joint committees.⁴⁸ But even granting that the spirit of the bicameral system is violated, a question certainly open to argument, it would seem that the rights of both houses would be sufficiently safeguarded if a bill passed by one house were received by the other as with a favorable report unless the committee representation of that house declared them-

⁴⁶ Reinsch, "Legislatures and Legislative Methods."

⁴⁷ This is successfully accomplished in Connecticut where the work of drafting the substitute is turned over to the clerk of committees, who is an experienced official. The advantages of joint action are admitted also in those states whose rules permit joint hearings. Wisconsin has especially availed herself of this privilege.

⁴⁸ See Report of the Committee to Revise the Rules, 1917, p. 9.

selves as opposed.⁴⁹ As long as opportunity remained for one body to refer a measure to a committee of their own number the matter of separate discussion would receive all the attention it deserves.

CONFERENCE COMMITTEES

In case of serious differences between the two houses the good offices of a conference committee are called in.⁵⁰ But as a rule, amendments proposed by one house are generally adopted by the other and consequently there are few difficulties serious enough to call for conferences.⁵¹ An examination of the journals will disclose that they are seldom employed until late in the session when the rush of the closing hours is impending; that they are seldom unsuccessful; and that their reports are universally adopted. The situation is therefore charged with possibilities for evil in the opportunity afforded for making trades which are seldom investigated by the house as a whole. The general parliamentary law that the report of a conference committee cannot be amended in either house⁵² increases the inclination to accept any compromise the committee may offer. The secrecy of proceedings in the conference is increased by the rule that the minority of the committee cannot report.⁵³

⁴⁹ Suggested in memorandum of Vermont Legislative Reference Bureau prepared for the Legislature, 1916.

⁵⁰ The first constitution of New York provided a most cumbersome method of managing disagreements. The two houses were to meet in a conference managed by committees from both. (Constitution of 1777, Art. XV. Abrogated in the Constitution of 1821.) By this method the secret bargaining which now features the work of committees of conference was avoided.

⁵¹ At the 1915 session of the Illinois Legislature conference committees were used but eleven times and in each case the report was adopted. The Oklahoma Legislature of the same year adopted the reports of the ten conference committees appointed, and in Massachusetts in 1916 nine of the ten conference committees agreed on reports which were accepted. There were only five conference committees in Indiana at the 1915 session. These cases are typical.

⁵² Jefferson's Manual ¶ 535. In California enforced by Joint Rule 9, and in Maine by J. R. 13. By a recent decision in Pennsylvania a conference committee report was permitted to be amended by a concurrent resolution. (Legislative Journal, 1913, p. 5230.) Otherwise the formula must be to recommit by concurrent resolution with instructions to amend. The rules of some legislatures allow no other action than acceptance or rejection.

⁵³ 5 Hinds 6406; Pa. H. J. 1850, pp. 1216-1218.

⁵⁴ See Index-Digest, State Constitutions, pp. 838, 842-843.

In order to bring the conference report to the attention of the members, who, as we have seen, are quite willing to accept on faith the compromise presented to them, it is sometimes required that it be printed and on the desks of the members before final vote. This becomes a constitutional mandate whenever the constitution requires the printing of amendments or of the bill in final form.⁵⁴

DISCHARGE OF COMMITTEES

A bill in committee is out of the hands of the house until reported back or the committee is discharged. In order to prevent the quiet chloroforming of bills without the committee going on record, possible when bills are retained indefinitely, the rules in twenty-five states provide that the committee must act within a specified time. The time allowed varies from four days in Colorado to twenty-five in Minnesota, although it is unusual to enforce this limit with any rigidity.⁵⁵ The rules of the California Senate prescribe that committees shall report "as soon as practicable," and in Kentucky a member may call up a bill "after a reasonable time."⁵⁶

Although it is clear that it should be made easy to place a bill before the house after it has been in committee a reasonable time, to place a bill automatically on the calendar after the expiration of a certain number of days, as is done in North Dakota, robs the committee of legitimate selective power. No bill should adorn the calendar without the favorable action of a committee unless at least 25 per cent of the house are willing to assent to discharge the committee. Thus Delaware permits the discharge of a committee after ten days upon the request of eighteen (about one-half of the House)⁵⁷ and New Jersey at the request of fifteen (about one-fourth) upon one day's notice.⁵⁸ In Utah, however, the speaker alone is granted this power on four days' notice, and in North Carolina the author may recall the bill after five days in committee.⁵⁹

⁵⁴ For experience of Iowa see Shambaugh, "Statute Law Making in Iowa," p. 224. For experience of California see Hickborn, "The California Legislature of 1909," p. 12.

⁵⁵ California Senate Rule 34; Kentucky House Rule 37.

⁵⁷ House Rule 27.

⁵⁸ House Rule 67.

⁵⁹ House Rule 3 (Utah); North Carolina House Rule 51. In the senates of Missouri, North Carolina and Ohio and in both houses in Indiana, one member may demand return after a specified time.

It is the right of a house to get measures before it easily. Occasionally, however, the discharge of a committee is made so difficult that it becomes virtual master of the legislation entrusted to its consideration. The rules of the Illinois House require a majority vote of all elected to discharge a committee; twenty-four hours' notice must be given and the motion can be entertained on but three days a week.⁶⁰ New York likewise requires a constitutional majority to discharge a committee, but the motion cannot be put until the committee has been ten days in possession of the measure.⁶¹ Under such circumstances it is practically impossible for the house to regain possession of a bill in the hands of an unwilling committee. The situation was so serious in Michigan, where under the two-thirds rule a minority could prevent the discharge of a committee throughout the session, that the present constitution prohibits the legislature from passing any rule which would prevent a majority of the members from taking a bill out of the hands of a committee.⁶²

After some painful experience with "pickling committees" the Pennsylvania House has since 1913 permitted sixty members (less than one-third of the body) to discharge a committee which had held a bill ten days. Here the difficulty had been further complicated by a ruling that a motion to discharge a committee must be made under the order of resolutions,⁶³ which was in order only on Monday night and Friday morning. The House never met on Friday and, as the session on Monday night was limited to one hour, opportunity to move discharge rarely came.⁶⁴ But in the reforms of 1913, "Resolutions" was made the fourth order of regular business for each sitting.

It is highly advisable that all committee calendars be cleared up and all business reported back before a stated time in the session, a practice that is perfectly feasible where the time for introduction of measures is limited. Thus one portion of the legislative activity

⁶⁰ House Rule 12.

⁶¹ House Rule 10.

⁶² Debates, Michigan Constitutional Convention, 1907-08, p. 1421.

⁶³ H. J., 1878, p. 742.

⁶⁴ House Rule 62 for 1911 and earlier. If the motion to discharge was unwelcome to the organization the Monday night hour was always consumed before the order of Resolutions was reached.

would be gotten over with, say half way in the session, leaving the remainder of the time for discussion on the floor. The rush and riot of the closing days is happily avoided in Massachusetts and much credit must be given to the custom by which the presiding officers keep account of the manner in which committee work is proceeding, comparing progress this year with the calendar of last year, and if a committee is found to be dilatory, they do not hesitate to apply pressure.⁶⁵

There exists some difference of opinion as to the advisability of requiring committees to report on all matters referred to them. The Massachusetts special committee of 1915 voiced a violent protest against the practice of a committee report on every measure. Committees are compelled, they argue, to consider frivolous measures, and the calendars are crowded with adverse reports which are seldom overthrown but which consume the time of both houses. The recommendation was accordingly made that a committee unanimous against a bill need not report, thus opening the way for prompt consideration of the more important matters.⁶⁶ On the other hand, it is urged that committees be compelled to report every measure and that the house take formal action on all. But it is a useless waste of legislative energy to require committees to consider measures to which the committee is unanimously opposed or which a reasonable fraction of the house does not favor. Although mere silence should not stifle legislation and to escape committee tyranny discharge should be made easy, it is in keeping with the dignity and responsibility which a committee should feel to allow it discretion in selecting measures upon which to devote attention.

Where committees are not compelled to report upon each meas-

⁶⁵ Joint Rule 10 specifies at what time the final report of all committees must be in, which time may be once extended. Three days after the final limit committees must report with the recommendation that the bill be referred to the next General Court. This recommendation is of course perfunctory, and may be overthrown without opposition from the committee, although it requires a four-fifths vote to do so. This permits a bill to be killed by committee by mere delay unless an overwhelming majority is in its favor. The advantage, however, is found in that it gets all the business of the session before the house in time to dispose of it in an orderly manner.

⁶⁶ Committee upon Reform of Procedure, 1915, report pp. 43, 44. In 1914, 1431 matters were reported adversely by unanimous committee vote. These were read by both clerks and went on both calendars. Allowing two minutes for each measure, sixteen legislative days were thus consumed.

ure, there are few adverse reports, unfavored measures usually being allowed to die without formal action; and in view of the common difficulty in discharging a committee this is the surest way to kill a bill. Where no legislation is permitted to die in committee a negative report recommends that "the bill do not pass" or that "the bill be indefinitely postponed," and is commonly adopted by unanimous consent. The question is, "Shall the bill be rejected?" or "Shall the report be adopted?" Vermont found that if the question were put "Shall the bill be read a third time?" as is usual for favorable reports, the indication being towards overturning an adverse judgment of the committee, a committee report was, by the mere inertia of members, often reversed without adequate reason.⁶⁷ The Pennsylvania House used to allow a bill negatived in committee to go on the calendar at the request of sixty members (less than one-third), although the earlier practice had been that such bills came up for consideration as those reported favorably. In 1915 the sixty rule was changed to a majority on the ground that because it was easy to get sixty members to place a negatived bill on the calendar, it was crowded with bills which ultimately never passed. Sometimes the lower house has been known to surrender absolute veto power to the committees by making an unfavorable report final.⁶⁸ On the other hand, the Senate of South Carolina permits a negatived bill to go on the calendar at the request of one member.

In accordance with the principle to relegate all business which does not require deliberative action to hours when the house is not in session, and to publish disposition of same in the journals, it would be well to abolish the formal reading on the floor of reports of committees. There is no good reason why they should not be filed with the clerk, published in the journal and calendar, and opportunity

⁶⁷ The form of the question was changed at the 1917 session.

⁶⁸ The custom in Missouri is to pass such a resolution a few weeks before the close, *e.g.*, 1913 H. J., p. 745. A similar resolution was presented in the Indiana House in 1915 in order to seal the fate of the female suffrage and prohibition measures then in committee. At first it was thought to have passed but, in consequence of the storm stirred up by the absolute surrender to a committee, the speaker reversed his decision on the ground that the resolution had not received the constitutional majority required by the rules. (*Indianapolis News*, February 24, 25, 1915; *Chicago Tribune*, February 24, 1915.)

given to move rejection on the floor. If the report is favorable the bill could move automatically to second reading.⁶⁹

STEERING COMMITTEES

No discussion of the committee system would be complete without some attention to steering committees, which control the time of the legislature to a greater or less degree in approximately three-fourths of the states. Their function is to guide the house, especially during the last days of the session, through a calendar congested with bills too readily placed thereon. The theory is that, in the tumult of many measures competing for consideration, no important matter must be allowed to go by default.

The confusion attending the closing days of the average legislature is notorious yet natural in so far as it arises from the indolence of the members and the spirit of procrastination which dominates the early days of the session. Indeed, the very existence of a sifting committee, designed as an escape from a crowded calendar, contributes toward the confusion and operates in turn to congest the calendar, since members, who are only human, know that a way out is easy and convenient. Furthermore the hesitancy or lack of courage displayed by the standing committees in killing the less worthy measures contributes to the final congestion and resultant demand for a steering committee. Just as the power of standing committees developed when the number of bills introduced had become too large for consideration by the whole house, so the steering committee emerged when measures approved by the standing committees increased until a further selective agency became an irresistible temptation.

Complaint is common that too few bills are checked at the committee stage.⁷⁰ Statistics of legislatures chosen at random demonstrate that in view of the hundreds of bills considered, committees are too lax in exercising their selective function and that many more

⁶⁹ In Illinois, Kansas, Massachusetts and Texas reports of committees are not read on the floor, appearing merely in the journals. In Congress bills reported favorably go automatically to the proper calendars; an adverse report is laid on the table unless a request to place the bill on a calendar is made within three days. (Rule XIII.)

⁷⁰ Replies to the questionnaire of the Nebraska Legislative Reference Bureau (1913) of but five states could be understood as expressing that committees exercise courage in reporting adversely.

bills reach the debate stage than the house can dispose of conscientiously. Sometimes the sentiment prevails that practically all deserve a fair trial on their merits before the assembled house.⁷¹ This shy attitude assumed by committees towards negative reports constitutes an evasion of an obligation. At the 1915 session the committees of the Ohio Senate killed but 26 per cent of bills introduced in that body, while only 49 per cent of House bills met their fate in the house committees. In Indiana and Kansas less than 50 per cent were stifled in committee and in Michigan less than 40 per cent.⁷² The percentage of committee executions to total number of bills considered in New York averages about thirty-five in the Assembly and thirty in the Senate.⁷³ The lower house in Illinois is an exception, for at the 1915 session committees checked more than 75 per cent of the bills referred to them. The full significance of committee slackness is clear when it is remembered that it means that each house has on its calendars from four hundred to fifteen hundred bills which presumably must be debated and disposed of in addition to those which come from the other branch of the legislature. Under these circumstances, the *raison d'être* of the steering committee is obvious.⁷⁴

Steering committees vary widely in the several commonwealths. In some they are a mere servant occasionally employed as a means by which the house can more readily express its will. In others they are in fact masters of the legislature's destiny, in which case they are often called sifting committees. Steering committees exist in the most innocuous form in those states in which the function rests, as it does in Congress, with the regularly appointed rules committee, which may report a special order to facilitate the progress of a measure. If they are sensitive to the will of the house they merely construct an expeditious plan by which legislative business may be advanced without undue obstruction. They therefore introduce elasticity into the daily program by proposing special

⁷¹ In South Dakota all bills except those of the most trivial character are reported favorably from the committees. (Statement of Dr. Doane Robinson, State Historian.)

⁷² Compiled from indices of the several journals of 1915.

⁷³ Colvin, "The Bicameral System," pp. 77 *et seq.*

⁷⁴ Committees deal more gently still with bills from the other house. In Ohio scarcely 20 per cent of Senate bills failed in house committees, and but 7 per cent of House bills in senate committees.

orders altering the regular routine of business, since the house is able with the help of the rules committee to suspend the regular order of business without the delay necessary if a member in his individual capacity should propose the same.⁷⁵ In Pennsylvania and Massachusetts reports by the rules committees are unusual, must be confined to a single measure, and must be adopted by a majority vote. The California House retains its control over "rules" by requiring a two-thirds affirmative vote to adopt any modifications brought in by this committee. On the other hand, the Illinois House has gone to the opposite extreme by providing that any special order proposed by the rules committee stands unless overthrown by a majority of all members elected,⁷⁶ and the same is true of New York. The rules committee thus becomes a very powerful group.

Several states have gone further than a mere steering committee, which controls discussion occasionally when time is precious, by creating what is known as a sifting committee to determine what measures shall be discussed on the floor. The latter is made the custodian of practically all bills, the house restricting itself to those measures which it submits. Usually towards the close of the session the practice is to adopt a resolution by which the make-up of the daily calendar is delegated to a committee. All bills accordingly owe their advancement to this committee, the house having virtually surrendered its selective power. The Washington House gives complete control of the calendar to a sifting committee which takes charge the first week of the session. In Montana after the fortieth day the steering committee reports the order of consideration of all bills as they come from committee.⁷⁷ Even broader are the powers of the calendar committee of the Kansas House, for not

⁷⁵ The rules committee of the New York Senate has in the last few years assumed this function when the minority has proved obstinate. The first time that it interfered in the order of business seems to have been at the session of 1897, when a special order limiting debate was brought in. The point of order that the proposed change would require one day's notice was not sustained. From this the power of the committee soon extended to reporting special programs for the progress of a measure.

For an account of the evolution of the Rules Committee in Congress see Alexander, "History and Procedure of House of Representatives," Chapter X, and 4 Hinds 3152, *et seq.*

⁷⁶ House Rule 12.

⁷⁷ Montana H. J., 1915, p. 353, and statement from State Library.

only does it arrange bills on the calendar but the "fixing of times for the consideration of bills" is entrusted to it.⁷⁸ In Missouri and Nebraska the sifting committees name only those bills which take precedence on the calendar,⁷⁹ and at the last session the Missouri committee was restricted to naming for advancement five general bills and sixteen private bills daily. Formerly the number had been unlimited.⁸⁰ The power of the sifting committee of the Iowa House has been similarly reduced at the last few sessions by exempting from their authority appropriation bills, special orders and bills already on the calendar when the committee takes charge. As pointed out in a recent study of the Iowa Legislature these restrictions make the committee an agency for preventing rather than promoting legislation in that it customarily holds bills until withdrawn by the House.⁸¹ The House does its own selecting through the power to make any measure a special order.

A most extreme example of a sifting committee has been developed in the New York Assembly through the augmented power conferred upon the rules committee throughout the last days of the session. The system is so notorious that a brief review of its development may be of interest.

As early as 1832, a committee of nine was created with unusual selective functions. It could by unanimous vote refer a bill awaiting action by the committee of the whole to a select committee to report complete, *i.e.*, ready for final passage,⁸² and in this manner a bill might escape debate until it came up for final vote. This, however, does not constitute an exact precedent for the present rules committee, for as yet standing committees had not been developed to remove unworthy measures from consideration by the house. The purpose was merely to relieve the calendar of the committee of the whole upon which were placed all bills introduced by private members, but nevertheless the arrangement did not escape criticism. In 1857 the select committee on rules deprecated the practice and condemned the transaction of business through "guiding com-

⁷⁸ Kansas H. J., 1915, p. 540, Resolution 37. It is common for the committee to limit debate to twenty minutes on one measure.

⁷⁹ Missouri H. Res. p. 884, Journal 1915. Statement of Nebraska Legislative Reference Bureau.

⁸⁰ Missouri H. J., 1913, pp. 1301-1308.

⁸¹ Shambaugh, "Statute Law Making in Iowa," pp. 545 *et seq.*

⁸² Assembly Journal, 1832, p. 363.

mittees" as fruitful of hasty, improvident and fraudulent legislation.⁸³

But the pressure on the calendar increased and in 1872 a committee was created with power at any time to report bills of a general nature, which were then placed upon a preferred calendar having precedence over unfinished business.⁸⁴ This special privilege was denied at the next session, but in 1886 a new committee became the recipient of the old power.⁸⁵ The latter committee was abolished in 1890 to be followed by the all-powerful rules committee of 1892.

In the session of this year the rules were amended to provide that all motions to make a bill a special order, or to suspend the rules for the purpose of reading a bill out of its regular order, be referred to the committee on rules. This committee was empowered to report at any time and its decision was final unless overthrown by two-thirds of the members present.⁸⁶ The next year the exercise of this unusual power of determining what measures should be promoted was restricted to the last ten days of the session,⁸⁷ and this time limit remains today.⁸⁸ The number required to overturn a report of this all-powerful committee was reduced in 1900 from two-thirds to a simple majority vote, but nevertheless its judgment remains wellnigh final since the program which it presents is in practice never overthrown. When it is also remembered that it requires a majority of all the members elected to instruct the rules committee to report, its obstructive authority during the last days of the session, as well as its power to accelerate, is seen to be immense. Furthermore the time in which "Rules" is in the saddle is invariably extended beyond the prescribed ten days by the simple precaution of setting a day for adjournment ahead of the date on which the legislature's business can possibly be completed.⁸⁹

It is the custom in New York further to strengthen the position of this committee by a resolution towards the close under which all matters pending before the various other committees are referred

⁸³ New York Assembly, Document No. 7, 1857.

⁸⁴ New York Assembly Journal, 1872, p. 603.

⁸⁵ New York Assembly, Document No. 5, 1887.

⁸⁶ Assembly Journal, 1892, p. 484.

⁸⁷ Assembly Journal, 1893, p. 2002.

⁸⁸ New York Assembly, Rule 24.

⁸⁹ In 1911 the rules committee was in charge from May 8th to October 6th. As a rule it governs for a month each session.

to it. Thenceforth "Rules" may be said to be the only committee functioning. As bills in its possession are reported out, they are made special orders on second and third reading.

It would be hard to imagine a method by which a house could more completely subject itself to the control of three members and the speaker, who is ex-officio chairman of "Rules," and still retain the form of a freely deliberating body. From the very beginning the committee seems to have abused its power, the spirit of the standing rules being wholly repudiated. Bills from the bottom of the calendar were moved to the top without attracting the attention which would have followed a motion put to the house. The fate of all measures fell immediately into the hands of these men, and although "Rules" quickly began to monopolize the time of the Assembly, it did not act with the discretion which would have served the end advocated, viz., the advancement of important business which otherwise might never have reached final action.⁹⁰ The completeness with which individual members surrendered themselves to the party bosses appears from the two-thirds vote necessary, until 1913, to instruct "Rules" to report. But even under the modified rule of a simple majority the committee is rarely compelled to act, and probably the first instance in which this was accomplished occurred on the closing day of the 1912 session after a majority of members had informally petitioned the committee to release the bill in question.⁹¹

The rules committee of the New York Assembly does not relieve the congestion of the closing hours of the legislature. If it did there would be some justification for its existence. Its influence extends far beyond a mere selection of measures to be taken up by the Assembly, for by careful managing it can secure the passage of measures during the final rush which would meet with certain defeat in the earlier stages of the session, and refusal to report a measure assures its destruction. Enjoying as much parliamentary power as the English cabinet, the rules committee nevertheless escapes any measure of responsibility before the people. The nullification of its present broad functions by confining them to the preparation of

⁹⁰ The rules committee was criticized severely for its work in the first session in which it enjoyed its present power. See *Annual Record*, issued by City Reform Club, New York, 1893.

⁹¹ Report of Citizens Union—New York City, 1912, p. 7.

proper rules for the government of the Assembly would be a signal reform. It would require the legislature to take stock all along the line and might prove the first step towards efficient legislative methods in the earlier days of the session.

The existence of a sifting committee is evidence of the breakdown of the other legislative facilities for eliminating worthless measures and bringing worthy measures to final passage. If standing committees would fulfill their duties and the house were to exercise diligence in clearing up its calendar daily, a steering committee might survive for emergencies, but the excuse for a sifting committee would have vanished. Reliance upon a sifting committee decreases the sense of responsibility of other committees in reporting adversely. To counteract this influence the legislature of South Dakota abolished sifting committees entirely and passed resolutions to clear the calendar each day.³²

³² Legislative Reference Bureau of South Dakota, in reply to Nebraska Questionnaire of 1913.

CHAPTER V

PASSAGE OF BILLS

Having followed the course of legislation from introduction through consideration by committee, we must now examine the manner and means by which the legislature expresses its collective will upon measures which survive the selective powers exercised by standing committees.

QUORUM

It is a general principle of parliamentary law that a deliberative body cannot act without the presence of a quorum. The constitutions of forty-two states in accordance with common practice prescribe that a majority shall constitute a quorum. Indiana, Texas and Tennessee have placed the number at two-thirds. New York requires three-fifths present when passing appropriation bills, and when levying a tax Vermont places the quorum at two-thirds. These provisions, however, are nullified by the general presumption that a quorum is present if no member raises the question, which often permits the transaction of business by a small minority. Appropriation bills have frequently passed the New York Assembly with less than fifteen members present, although the journal showed that the constitutional majority voted in the affirmative.¹ Appropriations have passed the Pennsylvania Senate with but two members present. In fact the practice of acting without a quorum is common to all our legislative bodies. The journals of course do not disclose the absence of a quorum and the courts will not admit evidence to impugn them.² It is but fair to note, however, that such practice is possible only by unanimous consent, for

¹ Report of a Committee of the Citizens' Union, 1913. *New York Evening Post*, November 22, 1913, states that appropriations aggregating \$2,000,000 passed the Assembly with six members in place.

² See *Auditor-General v. Board*, 89 Mich. 552. A resolution unseating one member and seating another was not invalid because of no quorum present since the journals did not disclose that enough members had been excused to kill the quorum. The presumption of a quorum was not rebutted by affidavits and protests spread on the journal at a later date.

it is always within the province of any member to raise the question of no quorum. The mere threat to raise the point of order of no quorum is sufficient to postpone further consideration of the specific question under discussion. The business of the house, however, is not seriously interrupted for it at once proceeds to other matters. If opposition to any measure has been registered beforehand no action is usually attempted in the absence of a quorum. For example, the Illinois House customarily devotes Mondays, when a full attendance is hard to get, to measures on the calendar to which no objection has been expressed. It must be clear, therefore, that in view of the ease with which a single member can obstruct the transaction of business in the absence of a quorum, proceedings under such conditions are nothing else than action by unanimous consent.

PRINTING OF BILLS

Before a measure comes up for consideration by the assembled house it is usually printed and placed on the desks of the members. A few southern states alone remain exceptions.³ Printing before final passage is mandatory under the constitutions of sixteen states; but three of these, Idaho, New York and Virginia, dispense with it, in urgent cases.⁴ As a matter of fact, bills are printed on introduction in approximately two-thirds of the states, and in the remaining, with the exception of the southern states noted above, upon the favorable report of a committee.

The advantage gained by printing all bills on introduction is of doubtful value. Maine, Michigan and Minnesota are the more important states whose legislatures, unless by special order to the contrary, print only bills reported favorably from committee. The expense of printing is thus reduced, and above all, the files of members are not crowded with measures which will never come up for consideration. The bill in the hands of the members is corrected to include the amendments added by the committee, thus

³ In Alabama, Georgia, Mississippi and North Carolina bills are rarely printed. Rule XX of the Pennsylvania General Assembly of 1776 permitted no debate on first reading, and ordered bills to lie on the table for the perusal of members, forbidding any member to take them from the house. In such times the reading of the text of a bill was a real service.

⁴ Index-Digest, State Constitutions, pp. 842, 843. Four states forbid consideration before printing. This has been held only to require printing before the bill is debated. (*Massachusetts Insurance Co. v. Trust Co.*, 20 Colo. 1.)

bringing the printed copy more nearly into its final form. Of course bills of exceptional interest may be printed on introduction by special order of the house.⁵ The Pennsylvania House has adopted a working compromise by which bills on introduction are printed on pink paper. This copy does not go on the desks of members to congest their files, but may be secured if desired at the office of the sergeant-at-arms. As bills are reported (very few are reported unfavorably, rather are they allowed to die in committee) they are printed on white paper and placed in members' files. In this connection it may be noted that Connecticut has taken a step towards differentiation between special and general laws by requiring that the former be printed at the expense of the petitioner who must in addition pay a fixed fee.⁶ The New Jersey Assembly and the two Houses of Rhode Island also provide by their rules that the cost of printing special bills must be borne by the applicant.⁷

READINGS

Parliamentary common law prescribes that each bill shall receive three readings before it shall be brought up for final passage. These stages in the progress of a measure antedate the use of the printing press, when copies were written out in long hand and read for the information of the members. But the necessity for reading at length no longer exists and readings are today of no significance other than to mark successive steps in the advancement of a measure, each one being a device to secure adequate delay. Provisions regarding the reading of bills occur in thirty-six state constitutions, thirty-four requiring three readings, twenty-five specifying that they be on three different days, and three that not more than two readings shall be on the same day. Thirteen states permit the requirement of readings on separate days to be relaxed somewhat by a vote larger than a simple majority, although in five the vote upon the question of urgency must be by ayes and noes, and in two it must be entered on the journals.⁸ The mandate which compels

⁵ In Maine one-third more are introduced than are printed; in Michigan and Minnesota about 50 per cent of those introduced are printed.

⁶ General Laws of Conn. (1902), ¶¶ 32, 10.

⁷ New Jersey Assembly Rule 49; Rhode Island Senate Rule 34, Assembly Rule 38.

⁸ Index-Digest, State Constitutions, pp. 840-842. In Georgia bills must be read on three separate days unless in case of actual invasion or insurrection.

three readings on different days is salutary as contributing to discourage hasty passage, and, when absolute, tends to lighten the pressure during the last three days by preventing the introduction of measures at this time. Where the requirement is not absolute it may be of little effect through the habit of granting unanimous consent to its suspension.

Ordinarily first reading is merged with the announcement of introduction, but if the constitution prescribes absolutely that there must be three readings at length, first reading usually does not come until after favorable report by a committee. Thus in Pennsylvania and Illinois the reading by title on introduction does not count as a constitutional reading, and an additional step equivalent to an additional reading is made necessary. West Virginia escapes this extra stage through a provision which allows the suspension of the constitutional prescription of three readings in full by an aye and no vote entered upon the journal. Rather than read the bill in full on first reading the house regularly records an aye and no vote on a motion to suspend. This is a useless formality and would consume an inordinate amount of time were the roll actually called.

As pointed out in the chapter above, the custom of giving two readings before reference, still obtaining in some legislatures, is a mere survival and is indefensible now that no debate is held until after report back by a committee. Today it is generally considered bad form to begin an attack upon a bill before the debate stage following committee report. If two readings are had before reference, debate occurs normally at the report stage when the question is either on accepting the report of the committee, or, this being perfunctory, upon ordering the bill to a third reading. Thus is added virtually a fourth reading without increasing in the least the opportunity for deliberation. Massachusetts and Maine also add a fourth stage but one that serves a somewhat different purpose. At third reading the question is put on passing the bill to engrossment after which it is sent to the other house for concurrence. There having "passed to be engrossed" it is returned to the house of its origin where it is "passed to be enacted" and sent again to the other house likewise to be "passed to be enacted" or rejected. Final passage is thereby separated distinctly from the preceding stages, a procedure forbidden by the Constitution of New York,

which compels the final vote to be taken immediately following third reading. The virtue of the Massachusetts plan is that no temptation exists to slip in amendments at the last moment since both houses have approved the measure in its final form at the "passed to be engrossed" stage.⁹ Obviously the Massachusetts practice eliminates the evil which caused New York to merge third reading and final passage, *viz.*, the postponement of final passage, after reading a bill a third time, to a preconcerted hour when it could be forced through by log rolling. The sense of the house is expressed when the bill is ordered to engrossment, and final passage is merely an opportunity for the expression of a more mature judgment after the other house has acted.¹⁰ In other states the vote on passage usually follows immediately upon third reading although they are separate orders of business and although occasionally final action may be postponed, perhaps to secure the attendance of more friends of the measure.

The constitutions of five states provide for reading of measures at length after passage and before signing by the presiding officer.¹¹ The purpose is to guard against alteration at the last moment of the official copy of the act, either through fraud or error. Although experience has shown that constant vigilance alone assures a correctly enrolled act, the utter futility of any provision regarding reading in full is self-evident, since only a pretense is made at fulfilling the constitutional mandate. Even before the reading clerk is well started, impatient members interrupt by cries of "Aye, aye."

The framers of our state constitutions seem generally to have considered the reading of bills at length to the assembled house as an effective aid to good legislation. Today twenty-six constitu-

⁹ Amendments are forbidden after engrossment, and the copy upon which the final vote is taken becomes the official copy of the act. Senate Rule 49, House Rule 53. An examination of the journals will show that a bill approved by both houses at the "passed to be engrossed" stage suffers little danger at the "passed to be enacted" stage.

¹⁰ It is true that no calendar is kept in Massachusetts of bills on final passage but the speaker will give notice to any member of the time at which a certain one is to come up. Frothingham, "A Brief History of the Constitution and Government of Massachusetts," p. 117.

¹¹ Kentucky, New Mexico, Alabama, Oklahoma and Louisiana. In Alabama and Oklahoma two-thirds may dispense with it, and it is not required in Louisiana unless five request it. Index-Digest, State Constitutions, p. 842.

tions specifically require that bills be read in full at least once before final passage, although two, Ohio and Virginia, permit the mandate to be suspended in cases of urgency. Fifteen of the above require three readings at length. Of the latter, eleven constitutions permit one or two full readings to be dispensed with, but in four the provision is inflexible. Such prescriptions betray in the minds of their authors a wholly unscientific knowledge of human psychology. It is difficult to believe that even a most sympathetic imagination could have visualized a legislature sitting through a single afternoon, earnestly attentive while bill after bill was read in their hearing. The time which would thus be consumed alone renders compliance with the constitution impossible. Many bills are long and technical and their reading aloud could serve no useful purpose. A recent chartering bill in West Virginia covered 247 pages, and an honest reading would have been a sheer waste of precious time. Usually the clerk reads the title and perhaps a few words of the text, consuming but a fraction of a moment although the journal will show a reading in full.¹³

The house, however, will usually recognize a demand that the bill be read in full as the constitution requires, a concession which lends itself easily to obstructive tactics, since it is easy for a minority wishing to delay action to demand their constitutional right. Although no constitutional mandate to read bills in full exists in New York, the Senate of that state was accustomed to grant such demand until the session of 1915 developed an extraordinarily obstinate minority. As a consequence the point of order was sustained that the right to call for reading at length could be exercised only in the committee of the whole upon the second reading of the bill.¹³ The way henceforth is opened to defeat such dilatory methods at the beginning, although the minority loudly protested that their constitutional guarantee was being violated.¹⁴

¹³ See article "Improvement of Legislative Methods and Procedure" by Chester Lloyd Jones in *Proceedings of the American Political Science Association*, 1913-1914, p. 191, for the experience of several states with the constitutional provision under consideration. More complete returns collected by the Nebraska Legislative Reference Bureau bear out the conclusion that the requirement is not only futile but harmful.

¹⁴ *Senate Journal*, 1915, p. 936; and *New York Times* April 2, 1915.

¹⁵ Mr. S. B. Scott in his forthcoming book on Pennsylvania state government gives a highly entertaining instance in which the power to demand reading in

DEBATE

It is common knowledge that our state legislatures are no longer deliberative bodies and that there is little real debate on the floor. Debate, such as it is, generally occurs when the bill comes up the first time after favorable report by committee. This is on second reading, unless it is the custom to give two readings before reference, in which case opportunity for debate upon the merits of the measure arises on the question of adopting the report or ordering the bill to third reading. The practice of some legislatures provides for no real debate until third reading, and consequently all discussion must immediately precede final action.¹⁵ The custom of a majority of the legislatures, however, is to pursue a less summary course by separating debate and final action. The debate stage being the normal time for introducing amendments, members have an opportunity to express a more mature judgment when the revised measure comes up later for final passage. Second reading therefore is usually the crucial period in a bill's history and unless it is of special political significance, third reading, which gives an excellent opportunity to debate the merits of the amended measure, is as much a matter of routine as the first. In keeping with Massachusetts' unique procedure, only a few bills are discussed at second reading, debate being held at third reading upon the question of engrossment. As noted above, final passage is postponed until the other house has concurred in the order to engross.

Most legislatures permit bills to be taken up by sections at the debate stage. As each section is considered amendments may be proposed, and it is well that here the house should move deliberately. If reading by sections is postponed until third reading,

full was invoked as a dilatory measure. Third reading of a bill covering fifty-two closely printed pages of three columns each in the record was demanded. The clerks became exhausted and members were summoned to take their places while kindly persons insisted that the reading be louder and more distinct, in order that they might follow it on their files. Finally a reading squad was organized to read several portions of the bill simultaneously and the majority felt that they had fulfilled the letter of the law. In all about four hours were consumed.

¹⁵Alabama, Connecticut, Illinois, Iowa, Louisiana, Kansas, Ohio and the Dakotas report that debate is commonly delayed until third reading. In Kansas, however, many measures are discussed in committee of the whole, which is the second reading stage. Measures which escape the committee of the whole are not debated until third reading.

errors which would otherwise have been disclosed at an earlier time are not discerned until it is difficult to rectify them. Yet strangely enough, the ten states, which by constitutional mandate prescribe but one reading in full, specify that it shall be the last.¹⁶

THE COMMITTEE OF THE WHOLE

At one time the committee of the whole, which furnished such excellent facilities for discussion, was a part of the normal procedure, but the general spirit of speeding up today pervading legislative halls has worked for its downfall. It is not recognized by the rules of the New York Assembly, while in the West Virginia Senate there have been but two committees of the whole in the last twenty years, and in Massachusetts but one in the last twenty-five years.¹⁷ The rule of the Pennsylvania House requiring the committee of the whole on all measures is invariably suspended by unanimous consent. With monotonous regularity the journal records, "the rule requiring bills to be considered in the committee of the whole being in this case dispensed with." Elsewhere, however, the rules generally provide merely that the committee of the whole may be ordered upon a majority vote, a privilege, it may be repeated, availed of but little. Where its use still survives the procedure is for all bills favorably reported by committees to go on the calendar of general orders and for the house to go into the committee of the whole automatically when this order is reached in the daily program. Kansas, Michigan, Montana, Nebraska and Oklahoma may be mentioned as making general use of this form of organization.

The advantages of the committee of the whole are such as to have started a movement for a general return to its employment. In it the restrictions of formal debate are thrown aside, and although the personnel of the members does not differ from that of the house, they come to it in a different frame of mind. Its purpose is frank discussion and deliberation. The committee of the whole may hold a public hearing; as for example, at the hearings in 1915 by the Illinois Senate upon the bill to abolish capital punishment

¹⁶ Index-Digest, State Constitutions, p. 842.

¹⁷ Statements in reply to the Nebraska Questionnaire. A motion to go into committee of the whole in order to hear testimony concerning a proposed railroad measure was defeated by an overwhelming vote. Massachusetts House Journal 1915, p. 1212.

the Governor and others appeared, addressed the Senate, and were in turn questioned by members.¹⁸ In this connection it may be noted that Wisconsin, whose rules permit the committee of the whole upon a demand of one-sixth, is taking greater and greater advantage of this more or less informal organization by summoning administrative officials before it. Such procedure is also valuable in the consideration of money bills, which should be taken up item by item. The Illinois House in 1915 adopted a practice frequently followed in Kansas and Oklahoma, by which bills at introduction may be referred by the speaker directly to the committee of the whole; the idea being that upon some bills it would be well if members were uninfluenced by the action of a committee. The rule in Illinois has been of no effect because the privilege of reserving bills for consideration by the whole house has been rarely exercised.

The possibility of abuse of the committee of the whole, which has done much to bring it into disfavor, lies in the absence of any record of proceedings therein and in the disposition of the house to sanction, without a roll call, the adoption of amendments reported therefrom. The general parliamentary principle that the ayes and noes cannot be demanded in this committee is reinforced by specific rule in many states. In a few cases, however, some record is preserved. In Maine, Illinois and Pennsylvania a report of debates appears in the stenographic record of all proceedings, although there is no way of getting the members' votes on record, and in none of these is a committee of the whole more than a very occasional occurrence. A small fraction of the committee of the whole may demand a roll call in Kansas, Kentucky and Nebraska but common practice neglects the call for the ayes and noes.¹⁹ Louisiana seems to have been the first to require a complete record of action of this committee to be entered on the journal as are other proceedings of the house,²⁰ and the Arizona Senate alone has followed her example.²¹ Where the constitution requires three read-

¹⁸ Illinois Senate Debates, 1915, pp. 442 *et seq.*

¹⁹ In Kansas and Kentucky twenty-five may demand a roll call, and in Nebraska ten.

²⁰ House Rule 67. An examination of the journals of Louisiana reveals that this is usually observed.

²¹ Statement of the late Senator Cunniff of Arizona.

ings of bills, consideration in committee of the whole is counted as the second reading, although this was not true formerly.²²

CONTROL OVER DEBATE—OBSTRUCTION

Control over debate is always possible for the lower house through the simple expedient of the previous question. The usual practice of the upper houses likewise permits debate to be closed by this means, although certain restrictions may be enforced, such as the condition that more than one member must second the motion.²³ In Connecticut, Massachusetts, New York and Vermont the previous question in the Senate is not in order. This does not mean, however, that cloture may not prevail. On the contrary, in the Massachusetts Senate debate may be closed under the rules one hour after the adoption of a motion to that effect, and on this motion not more than ten minutes can be consumed in debate.²⁴ In the New York Senate the president must recognize a member who wishes to move to close debate after the measure has been before the house for six hours.²⁵ This rule was adopted after experience had persuaded the members to surrender their senatorial privilege of unlimited debate, but immediately was rendered ineffective through a ruling by an unsympathetic president that the time for debate might be extended by offering a substitute measure, which constituted a new and independent proposition.²⁶ To escape this impasse the rules committee began to report special limitations upon debate, and cloture in the Senate became an accepted fact.²⁷ In 1915, following a series of obstructive tactics by the minority, a resolution was passed to extend throughout the session which, although not authorizing the previous question, accomplishes the same result. A motion to close debate could be moved at any

²² Sustained in *In re Reading of Bill*, 1 Colo. 641.

²³ In the senates of Virginia and Wyoming three are necessary to demand the previous question. In Pennsylvania, four, and in Delaware, five.

²⁴ Senate Rule 47. Adopted in 1882.

²⁵ Adopted in 1894. S. J. pp. 125, 196.

²⁶ S. J. 1894, pp. 191, 196 *et seq.* The chair was able to defeat the will of the majority by refusing to consider an appeal from the decision on the ground that no question of order was involved.

²⁷ S. J. 1897, p. 1326. This is believed to be the first instance. Debate was limited to two hours.

time, and when carried, shut off debate immediately; members were allowed but two minutes on roll call to explain their votes.²⁸

The Georgia Senate while permitting the previous question has placed unusual restrictions in its way by requiring a majority to sustain the call for putting the motion, a motion to adjourn or to lay on the table being in order before the question on closing debate is taken, and by further prescribing that no senator before yielding the floor shall submit any motion the effect of which shall be to prevent further debate.²⁹ Thus the custom, widely practiced in the Illinois Senate, of making a motion and in the same breath moving the previous question upon it is impossible. In the Illinois Senate it is not unusual for one to move that a bill be taken up on third reading and final passage out of its order and immediately to move the previous question. This objectionable procedure prevents any debate whatever upon the measure since the earlier stages were passed perfunctorily, all discussion having been postponed until third reading. It will be seen from the foregoing that the dignity of the upper houses of our legislatures no longer demands freedom of unlimited discussion and that the means of checking long-winded tactics are universally at hand.³⁰

²⁸ S. J. 1915, pp. 933, 934. Not even questions of personal privilege were in order after the motion to close was carried. P. 1160.

²⁹ Senate Rules 59, 122.

³⁰ The development of the previous question as a means of suppressing debate and bringing the house to an immediate vote upon the matter at hand was thoroughly reviewed in a discussion in the Fourteenth Congress (January 19, 1816) upon a motion to expunge the rule which permitted it to be invoked. William Gaston pointed out that it was originally used in Parliament to postpone the putting of the question when a decision at the time would be embarrassing or injurious, owing to the delicate nature of the subject. If the previous question was carried, discussion of the main question was suspended and debate turned to the propriety of taking a vote on the main proposition. "Its purpose was not to suppress unpleasant discussion but unpleasant decision." The question then put was, "Shall the main question be now put?" (5 Hinds 5443, and for Parliament May, p. 269.) Today it is stated negatively in Parliament, *viz.*, "That the question be not now put," because of the similarity of the old form to the cloture motion now in use. (May, p. 269.) Unlike the experience of American legislatures, development of cloture in Parliament did not proceed from an abortive use of the previous question, where such motion still retains its early purpose.

The previous question was first invoked to shut off debate in Congress on December 15, 1807, on which occasion, however, the speaker's decision, that the question decided in the affirmative precluded further discussion, was overruled

Obstruction in the state legislatures is further made difficult by the general adoption of time limits upon speeches, which are either incorporated in the rules, as in the Illinois Senate and House and the New York Assembly, or are more commonly enforced by a resolution passed about the middle of the session. In this manner Massachusetts has placed the limit at ten minutes, Kansas at fifteen, and the New York Senate at five.³¹ Obstruction has but rarely presented a troublesome problem in the state legislatures since both majority and minority are anxious rather to speed up legislation than to impede it. Vigorous use of the previous question plus the operation at times of a steering committee with power to restrict incidental motions has been generally effective against efforts of the minority to impose its will upon the majority. Following congressional practice, speakers refuse to consider dilatory motions, even going so far as to deprive a member of the floor if he is not using his time in good faith.³²

by a vote of 103 to 14, which judgment was affirmed later on December 1, 1809, by a vote of 101 to 18. But on February 27, 1811, the House reversed itself during the debate on the Non-Intercourse act by ruling that the previous question did shut off debate. This action was taken during the last days of the session when time was precious. It is clear that the previous question was not called in through misunderstanding as to its accepted use, the speaker's decision in accordance with the precedents established on the two earlier occasions being overruled, but because it seemed to furnish a convenient instrument of cloture when one was sadly needed. In England, however, the question of cloture was fought out on its own basis, a distinct procedure being constructed for the purpose. (See Redlich, vol. I, pp. 137 *et seq.* and vol. II, pp. 227 *et seq.* For a complete history of the previous question in Congress see 5 Hinds, ch. CXX.)

Cloture was not admitted in Congress without a severe struggle, and although no precedent could be found in Parliament, one at least existed in the rule of Pennsylvania Colonial Assembly (Rule XVII in 1776), "If at any time a debate prove tedious and four members demand that the matter be put to vote, speaker shall not refuse it." McConachie, "Congressional Committees," pp. 23, 24, states that this rule first occurs in 1703 and that a rule authorizing the speaker to stop superfluous and tedious debates appeared as early as 1682.

³¹ In Illinois Senate and New York Assembly under the rules a member may speak fifteen minutes; in the Illinois House thirty minutes, and in the Washington House only ten minutes. For resolutions limiting debate see Massachusetts House Journal, 1916, p. 198; Kansas House Journal, 1915, p. 28; New York Senate Journal, 1915, p. 1589.

³² Michigan House Journal, 1901, p. 1234. The old procedure of demanding roll calls on amendments to the journal, sometimes employed before Speaker Reed's ruling on dilatory motions, would be quickly suppressed today.

A unique method of obstruction was employed at the 1915 session of the Illinois Senate, when a strong minority was seeking to prevent the naming of a rules committee until the results of certain contested elections could be known. The scheme, which failed as a matter of course, was to offer amendments to the resolution naming the committee. Notice would then be given that the next day reconsideration would be moved of the vote by which the amendment was lost, which, the minority believed, delayed action upon the main proposition until the amendment was disposed of. The opposing view of the majority was that all ancillary motions are carried by the main motion and that a substitute cannot be used as a method of defeating the main question. Accordingly, the majority finally went ahead and passed the resolution, later overruling the objection of the chair that the original motion was never passed while amendments were pending. The presiding officer was of the minority party and, as every minute was valuable in the race to control the make-up of the rules committee, the majority at the time had no hesitancy in overruling his decision. It was, however, a doubtful parliamentary proceeding as the effect of a motion to reconsider is to suspend the original proposition.³³ Alabama alone has guarded by rule against such a situation by providing that a motion to reconsider a subsidiary question cannot remove the main question from consideration but shall be disposed of at the time made.³⁴ It may be pointed out that such a situation could not arise in those states which like Pennsylvania do not admit a notice of reconsideration. It is unreasonable, however, that the will of the majority should be defeated by such paltry means and the speaker would have been justified in ruling such conduct as dilatory. It is sufficient that an opportunity be given later to reconsider the final vote at which time amendments would be open for reconsideration also.

SUSPENSION OF THE RULES

But as has been already indicated the dangers in legislative procedure lie rather in the direction of too little discussion than in the direction of too prolonged debate. No rule is invoked so often as the one which permits dispensing with the rules so that bills may

³³ 5 Hinds 5704.

³⁴ House Rule 18.

be hurried through in several minutes. Only indeed where the constitutional requirement of readings on several days is absolute can undue haste be avoided; a two-thirds or three-fourths vote to suspend the provision being as easy to secure as a simple majority. Rarely is a division necessary to secure the requisite number, which is usually obtained by unanimous consent.³⁵ Naturally the most frequent suspensions of the rules to expedite legislation involve local and obscure measures, for if any political importance attaches to the bill the minority will see that it takes the normal course. A member announces: "Gentlemen, this is merely a local measure, personal to me and my constituents and I ask to have it put on immediate passage." The house is not interested and is quite willing to act blindly upon the recommendation of the local member.

The usual method of facilitating passage is simply to omit certain of the steps which a bill would normally take. It is not uncommon to advance bills, as they are reported from committee, to third reading subject to amendment and debate. In this manner they escape the customary debate stage, which occurs either at second reading or on the motion to accept the committee's report, and pass finally without discussion. Another method of facilitating passage is to adopt a motion to consider the second reading as the third and pass the bill at once,³⁶ or to order that a measure, reported from committee, be engrossed at the clerk's desk and put on final passage.³⁷

Unfortunately for the public, the confusion of the closing hours is greatly intensified by indiscriminate suspension of the rules. Indeed where constitutional checks do not prevent, bills may be advanced from introduction to final passage in a few seconds. Obviously such proceedings nullify all checks and safeguards.³⁸ In Delaware the Senate will admit a bill on introduction, go into committee of the whole, receive and adopt the report therefrom, read it a third time, and pass it as rapidly as the successive motions can

³⁵ For the constitutional provisions which permit suspension of readings on several days *see*, *Index-Digest of State Constitutions*, pp. 840-842.

³⁶ The practice in Washington.

³⁷ Ohio practice. Minnesota also frequently moves a bill from committee report to final passage in one motion.

³⁸ Kansas, North Dakota and West Virginia are the worst offenders. In West Virginia the ayes and noes on the motions to suspend the rules appear on the journals.

be put. Naturally separation of the several stages by several days does not guarantee deliberation or thought, but it does afford an opportunity for them and a chance for anyone who may be interested to be heard, as well as for verification of the official, enrolled copy.

Investigation of the journals reveals that in most legislatures the majority of business of the closing days is done under suspension of the rules. Only bills so favored can secure attention. In the absence of a steering committee suspension of the rules to consider a bill out of its regular order is the house's way of sifting legislation. Bills move from second to third reading and final passage without regard to the regular order and the calendar is thereby rendered futile.³⁹ Michigan and New York have sought to meet the evils of undue haste by the constitutional prescription that all bills be printed and in the possession of members, in Michigan five days before final action,⁴⁰ and in New York three days in final form, thus rendering snap amendments impossible.⁴¹ The rules of the New York Assembly further guard against surprise by the provision that a bill shall be on third reading calendar two days before being taken up unless it has been made a special order, in which case third reading is permitted to follow immediately upon second. Notice of the special order, however, must appear on the calendar two days before consideration.⁴² Suspension of this procedure is guarded against by the general requirement of one day's notice to suspend any rule.⁴³ Yet it is quite common for a member to secure unanimous consent to put a bill on final passage immediately after the report of a committee. It must be admitted, however, that the situation the last few days is relieved by the fact that the daily program is completely in the hands of the rules committee.

Between a sifting committee easily amenable to the will of the house and the transaction of business under a general suspension of the regular order there is a real choice. The advantage of a prearranged calendar which gives certainty as to what business

³⁹ Minnesota begins this early in the session.

⁴⁰ Art. 5, Sec. 22.

⁴¹ Art. 3, Sec. 15. Of course if the requirement of three readings on separate days is made absolute by the constitution, bills cannot be advanced in whirlwind fashion from introduction.

⁴² Assembly Rule 12.

⁴³ Assembly Rule 55.

shall come up is wholly with the former. The Senate of New York, which uses a steering committee but little, preserves a semblance of regular order at the end by a rule that all bills must be referred to the committee of the whole before third reading.⁴⁴ As the session draws to a close, "General Orders," the calendar of bills before the committee of the whole, is never reached in the day's business. Consequently a measure must depend for advancement upon securing unanimous consent to dispense with the committee of the whole and to order it directly to third reading. The task of objecting to such advancement for any measure is delegated to the majority leader by his party colleagues. The minority group for practical reasons find it to their advantage usually to remain in line and consequently a single man, the majority leader, determines the fate of the bulk of the measures which come up during the last days of the legislature. The grip of the organization is further strengthened by the ruling that motions to discharge the committee of the whole must be made under the order of "Motions and Resolutions," an order seldom reached on the last days. It is therefore impossible for legislation unfavored by the organization to get a hearing. The minority must behave, since it has legislation on which it will ask unanimous consent, and it cannot risk discipline by the majority.

A commendable reform would be to allow motions to discharge the committee of the whole under "Reports of Standing Committees," which is reached early in the day's session. "General Orders" would then no longer serve as a graveyard for bills but rather as a depository for them until withdrawn by the senate using its selective power through its ability to discharge the committee of the whole from those matters which it wished to consider at the late date. A great many measures reported from standing committees on the last few days escape consignment to "General Orders" by gaining unanimous consent to immediate advancement to third reading, there to await their turn on the calendar. If the sponsors are unwilling to have their measure lie on this calendar until it can be taken up in its regular order, they move to suspend the obstructive rules in order that it may be rushed through to final passage. Upon this motion, however, one day's notice is required, and when the motion comes up at a later day members have an opportunity to defeat the rapid progress of the measure.

⁴⁴ Senate Rule 18.

The point to be noticed is that by the practice of the New York Senate, few bills are rushed from committee through final passage without due notice to members, and to this extent it is an improvement over the haphazard methods practiced elsewhere. Occasional measures are rushed through by unanimous consent under a general suspension of all rules, but such cases are the exception rather than the rule. Although very autocratic, a more orderly system of selection prevails than in those legislatures which have developed no other sifting agency than business by unanimous consent.

AMENDMENTS

Notwithstanding how accurately and skilfully a bill may be drafted, ambiguities and inconsistencies may creep in due to the insertion of improper amendments. Accordingly, examination of all amended measures by an expert before they are put up for final vote is much to be desired, yet only a few states provide by rules for such revising process. Colorado, Maine and Massachusetts have committees which revise bills before third reading and are authorized to correct inaccuracies, repetitions and inconsistencies. The actual work of course is done by clerks and everything depends upon the skill and experience of the clerical-force. Wisconsin employs a revision clerk in the Senate and a revision committee in the House to examine amendments while the bill is yet in the hands of the standing committee, and an additional committee on bills on third reading is maintained in both houses. The New Jersey House leaves it to the speaker to decide whether amendments shall be submitted to a committee on bill revision to see that they agree with the context. No bill can be reported from a committee in Connecticut until after it has received the approval as to form of the clerk of bills, who is always an official of several years' experience in legislative matters, having reached the position through systematic promotion. The committees on revision in New York and Massachusetts, authorized to examine the grammatical language, correct typographical errors and make the bill accomplish the purpose intended, employ experts for the work. The work of the New York committee is somewhat weakened through their inability to report amendments; they report only recommendations which do not force consideration as amendments would. With the exception of Massachusetts none of the above committees can

effect changes in the legal sense. The revision committee in Wisconsin, however, may call attention to any change deemed advisable as long as the proposed alterations do not affect the scope of the bill. The committee in Massachusetts may report as amendments changes in the legal effect. It will be seen that at best the legislatures have taken only half-way measures to assure that bills, perhaps admirably drawn for introduction, shall not be rendered ambiguous, inconsistent and impossible through amendments which may be adopted.

Yet regardless of how thoroughly measures are examined and corrected before third reading, if the way is clear to introduce amendments on final passage gross evils may result. It works out about as follows: "The clerk announces the reading of a bill; he begins its reading, when a member offers an amendment which no one understands but himself and the amendment is adopted. The reading goes on and the bill is passed as amended. In the hurry and probable confusion of the moment, no one but the mover of the amendment may know exactly what it is or how it affects the nature and subject matter of the bill."⁴⁵ It can be appreciated that members are loath to hold up amendments presented on third reading simply because they do not understand them. The course of least resistance is to remain quiet and acquiesce. Accordingly a prohibition upon all amendments on third reading was inserted in the New York constitution of 1894,⁴⁶ which unfortunately has been construed to admit amendments until the final section of the bill has been read. Yet if amendments are adopted at this stage final passage is delayed by the constitutional mandate that all bills must lie printed in final form for three days on the desks of members.

More than thirty legislatures forbid by the rules amendments on third reading. To amend a bill which has reached this stage it is necessary to recall it to second reading, adopt the amendments and advance it again to third reading. The spirit of the provision is violated by the practice of numerous legislatures which permits a motion that the bill be called back to second reading and recommitted with instructions to report certain amendments forthwith.

⁴⁵ From the speech of a member before the Constitutional Convention of New York, 1894. Record, vol. I, p. 479.

⁴⁶ Art. III, Sec. 15.

Without leaving his place the chairman of the committee designated immediately reports the bill as amended and it is restored to its place on third reading. Other states either permit under the rules amendments freely on third reading or systematically violate the rules as do Kansas and the Indiana Senate.

The value of ordering a bill back from third to second reading in order to amend is therefore dependent upon the time which elapses before the amended measure comes up for final passage. If Ohio practice is followed, amendments on third reading (the usual time for amendments in Ohio) are referred to a select committee of one, the person proposing the amendment being named, who announces immediately that he has amended the bill as directed by the House, which acts on it forthwith. The measure then goes at once to final passage. Nothing is gained by this useless formula, since all the evils of hasty amendment and passage survive. But if the bill called back to second reading to amend comes up on third reading in the order that any bill does, if it is called back in fact so that it goes to the foot of the third reading calendar, members have time to come to an intelligent conclusion.

A more effective means of attaining the desired end occurs in the constitutional requirement that all amendments be printed before being acted upon.⁴⁷ The experience of those states whose constitutions contain such provisions has been that, the temptation to passage the moment after amendment being removed, the rule which sends the bill back to third reading and compels it to come up in regular order on third reading has been observed in spirit instead of being suspended by unanimous consent. Of course cases have occurred in which the amendment was hastened to the printer and received back in half an hour to be passed hastily, but as this involves considerable difficulty they are comparatively rare. Whether the mandate that all amendments shall be printed extends to those which merely strike out matter and propose nothing new

⁴⁷ California IV, 15; Colorado V, 22; Idaho III, 15; Illinois IV, 13; Missouri IV, 29, 30; Nebraska III, 11; Pennsylvania III, 4. Unfortunately this has been held in Colorado not to apply to amendments recommended by conference committees. (*Board v. Strait*, 36 Colo. 137.) It may be repeated that New York very wisely requires the printing of a bill in final form three days before passage. Missouri requires that all amendments be incorporated in the engrossed bill and the engrossed bill be printed.

has given rise to some doubt, but better opinion seems that printing anew is necessitated. Pennsylvania came to this view in 1913,⁴⁸ although earlier custom had been to put the bill on final passage at once.

Amendments whether printed or not should be attached by responsible clerks to the copies of the bills on the files of members. A busy legislator should be able to refer easily to the whole measure, but has no time to clip amendments from the journal and paste them on a copy of the bill. Vermont makes this possible in a less satisfactory manner by printing on the calendar the citation to the page of the journal on which the amendment may be found, while Massachusetts inserts it therein in full.

Amendments are usually disposed of without roll call unless the ayes and noes are demanded. Alabama is an exception to the general rule in that her constitution requires the names of all those voting to be entered in the journal.⁴⁹

It is possible that a bill, passed by one house, might be completely modified by amendments introduced in the other. These amendments might then be adopted by the first house without a roll call. The measure in its final form would thus escape a recorded vote in the house of its origin, although the constitution might require an aye and no vote on the passage of all measures. In order to render this practice impossible, the constitutions of seven states require that votes of one house on concurring in an amendment of the other be entered on the journal.⁵⁰ Today, however, the constitutional prescription that final passage shall be by ayes and noes entered in the journal has been generally interpreted to imply that, although a bill has once passed the house on a recorded vote, concurrence in amendments adopted afterwards by the other requires a similar vote.⁵¹ Thus it becomes impossible for either house to escape going on record on the measure in its final form. Indiana is an exception in that measures returned with amendments to be concurred in do not come up a second time for final passage but are accepted by a *viva voce* vote.

⁴⁸ Legislative Journal, 1913, p. 3632.

⁴⁹ Alabama IV, 64. Of course it does not follow that there is always a real roll call.

⁵⁰ Colorado V, 23; Louisiana 40; Mississippi IV, 62; Missouri IV, 32; Pennsylvania III, 5; Virginia IV, 5; West Virginia VI, 31.

⁵¹ The constitutions of three-fourths of the states contain this provision.

The prevailing practice in considering amendments made by one house to measures which have already passed the other lends itself to grave abuse through the power of the presiding officer to call them up at will as messages from the other house. He is thus enabled to select the most favorable time to rush concurring action. Such control over the fate of amendments would be destroyed if a special order of business were devoted to consideration of messages from the other house, and if amendments in which concurrence is desired were placed on the calendar. Precautions of this nature are taken in Vermont. Not only are members informed of amendments from the other house by their appearance in full on the calendar, but a definite time is set aside for their consideration under the order of business of Senate (or House) proposals of amendment. A rule of the New York Assembly is likewise designed to assure deliberation on such proposals. Amendments made in the Senate to measures passed by the House are to be referred to the committee which originally reported the measure,⁵² but unfortunately this is never observed.

There remains one possible reform concerning the treatment of amendments which can be stated very briefly. Under general parliamentary law amendments once adopted by the house on second reading cannot be struck out on third reading unless a motion to reconsider has been carried. Motions to reconsider involve retracing the steps by which the bill passed second reading and are subject to the restriction that they must be made within a certain time, usually twenty-four hours after the vote proposed to be reconsidered has been taken. Great inconvenience is apt to arise from the difficulty of modifying an amendment once adopted, should a minority prove obstructive. On the other hand, amendments proposed by a committee, although adopted by the house when it agrees to the report of the committee, are not treated as an integral part of the bill and can be altered or stricken out at will. The suggestion here is simply to provide a similar method of striking out amendments offered from the floor and adopted at second reading, should they be found undesirable at third reading.

⁵² Assembly Rule 11.

ROLL CALLS ON FINAL PASSAGE

Roll call on the passage of each measure is required by the constitutions of thirty-six states.⁵³ The New England States are exceptions. Among them, however, the ayes and noes may be demanded by a fraction of the members. The constitutional requirement of the roll call on the final passage of bills, or in concurring in amendments, is of doubtful value. The journal of the Ohio House, selected at random from those of several states, records fifty-one roll calls on the last day of the 1915 session, and twenty roll calls were not unusual upon an ordinary day, although there were 121 names on the roll. On the last day of the 1914 session of the New York Assembly there were 208 roll calls, the roll containing 150 names. Similar cases could be multiplied in every state which requires roll calls on final passage. Now it is impossible to call a roll of 150 names honestly in less than fifteen minutes. On this basis thirteen hours would have been so consumed in the House on the last day of the Ohio Legislature and fifty-two hours in the New York Assembly. An ordinary day's session would have to devote five hours to roll calls, for the states have been slow to devise mechanical contrivances for recording votes. Wisconsin led the way at the present session by adopting an electric voting machine.

Roll calls on numerous measures are possible simply because the roll is not called. Go through the journals of any of the thirty-six states mentioned above and you will find measure after measure upon which no dissenting voice was cast. Indeed a real division will occur with conspicuous infrequency. The results of the 208 roll calls in New York to which reference has been made, show that only fifteen record as many as five votes in the negative, and of these only eleven could be called real divisions. Since many measures meet with no opposition, an experienced clerk can tell as soon as he has called half a dozen names whether further call will reveal any negative votes. If none are apparent the rest of the roll is called very rapidly and a member must watch carefully to catch his name, if indeed it be called at all. A skilled clerk of the Pennsylvania House has been known actually to call 207 names in 59 seconds. Under the short roll call of New York, names of but a few members are called by the clerk and the bill is declared passed

⁵³ Index-Digest of State Constitutions, pp. 844-845.

by an arbitrary number of votes. Several printed slips of about one hundred names are employed for the purpose of making up the journal; they are pasted in the journal and the names thereon are recorded as voting in the affirmative. A member who wishes to go on record in the negative must rise and announce the fact to the clerk, unless he has given notice beforehand, and his name will be crossed off the list and written down on the negative. In order that the records will be consistent members who have been excused for the day are crossed off. Bills are thus passed at the rate of one a minute sometimes with not more than a corporal's guard present.⁵⁴ Undoubtedly the spirit of the constitution is violated. What was intended was an honest roll call with opportunity to return aye or no.

Yet perhaps the situation is not so serious as some have declared, for a practice so general must have some survival value. It must be remembered that the quick roll call is simply a method of acting by unanimous consent in cases in which the constitution requires a recorded vote. Usually a member can have a slow roll call if he asks for it, and by the custom of many legislatures may demand its verification.⁵⁵ True, insistence upon a slow roll call is apt to be unpopular, for a man's colleagues are impatient to have their measures reached; but here again enters the element of unanimous consent. The use of an electric voting machine would probably increase the number of real divisions, but business by unani-

⁵⁴ Mr. Baker, addressing the New York Constitutional Convention of 1867 (Record, p. 1301) said: "I know for a fact that during the last two days of the session the clerk passed more legislation than the body of the House, and it was no uncommon thing to adjourn and leave the city, a majority of the members not knowing upon what bills they had voted." So it appears that the short roll call is no strictly modern invention.

The Committee on Legislation of the New York Citizens' Union (Report for 1908, p. 22) describes the technique. At that session the clerk had four printed lists of names for the sake of variety; the selection of the form to be used seemed arbitrary.

⁵⁵ New York is perhaps an exception since the presiding officers sometimes take the ground that there must be a substantial demand for a roll call; else those opposed should be content with being recorded in the negative. (Citizens' Union, Committee on Legislation, Report 1913, p. 5.) Of course there have been instances elsewhere in which the gavel rule of the speaker was very marked and demands of a few members have been disregarded, but such are occasional and grow out of conditions more serious than problems of procedure.

mous consent would continue in the absence of a quorum, since the record of the machine could be modified upon the journal to meet constitutional mandates.⁵⁶ If the constitutional requirement of a roll call on any and all measures were abolished, a record of real divisions would still be preserved through the power of a small minority to demand the ayes and noes. During the 1916 session of the Massachusetts House there were but eighty-nine roll calls on all subjects, yet each represented a real division of opinion. The true explanation of the short roll call is found in the anxiety of members to speed up legislation upon which they have not had time to form opinions, and to seek for fundamental reform through new methods of voting is to mistake symptoms for causes.

COUNTING A QUORUM

The simple expedient of counting towards a quorum those physically present although the fact is not revealed by a roll call, following Speaker Reed's famous ruling of 1890, is now generally accepted by the states, even finding a place in the rules of a few.⁵⁷ Speaker Reed and those who supported him were able to find numerous precedents among the state legislatures.⁵⁸ In 1874 the Speaker of the Massachusetts House ruled that the constitutional requirement of a quorum was satisfied by physical presence, and in 1883 the president of the Pennsylvania Senate counted a quorum. Following the punishment in 1882 of a member for contempt in refusing to vote, the more expeditious method was likewise adopted in 1883 by the New York Senate. At the session of 1892 the same body fell back upon the older practice of punishing for contempt members refusing to vote, although it seems evident that the purpose was to find authority for measuring vengeance to three senators.⁵⁹ How-

⁵⁶ The introduction of an electric voting machine in Wisconsin has been wholly beneficial, inasmuch as the number of roll calls has been increased and life injected into the session generally. Wisconsin requires no roll calls on final passage unless on demand of one-sixth and therefore each is a real division. The time consumed being negligible, the temptation to short roll calls where the machine is used would be materially reduced.

⁵⁷ Found in the rules of the Florida, New York and Ohio Senates. By the rules of both houses of Virginia members present but not voting shall on the demand of one be counted in the negative. (House, 69; Senate, 51.)

⁵⁸ See Congressional Record, 51 Cong., 1 Sess., pp. 915-916; 1161-1162; 1234. Indiana, Massachusetts, New York, Ohio and Pennsylvania were cited.

⁵⁹ See *Brooklyn Eagle*, Jan. 27, 1892.

ever, in 1902 counting a quorum was legalized by specific rule.⁶⁰ The legislatures of practically all the states require by rule that a member vote and that failure to do so constitutes contempt, but if threat of contempt should fail the body would doubtless resort to counting a quorum.⁶¹ It is questionable, as Speaker Reed said in a letter to a member of the New York Convention in 1894, whether an assembly has the right to make a man vote. A person with no opinion should not be made to express one; it is enough that he be compelled to acquiesce in the result and the fact of a quorum is not disturbed by his silence.⁶²

ENGROSSMENT AND ENROLLMENT

It is worth while to devote some attention to the preparation of the official copy of bills and to the safeguards employed against dishonest or careless engrossments and enrollments. Except in New England the engrossed copy is the one specially prepared for passage as the authorized bill. Having received the approval of both houses the enrolled bill, now in the form of an act, is made from the engrossed bill. After being signed by the presiding officers of both houses the enrolled measure goes to the governor for his approval. Upon receiving his signature it becomes the official statute. When reading the rules of the New England states, however, it is well to remember that the "engrossed" bill refers to the copy which goes to the governor.

Due to better systems of engrossing and enrolling and the use of the printing press involving checking by expert proof readers, scandals growing out of fraudulent copies are not so common as formerly. In the prosperous days following the Civil War when industry broke into unprecedented activity, the possibilities of special legislation were discovered and special interests often profited through incorrect enrollments. "Such was the pressure upon

⁶⁰ It may be noted that as early as 1858 a proposal to incorporate "counting a quorum" in the rules had been made in the Pennsylvania Senate. It was disagreed to because it was not thought that a man could be put down on a quorum until he voted and the method of punishing for contempt was adopted instead.

⁶¹ For example, Michigan House Journal 1899, pp. 993, 1207; and House Journal 1893, p. 1700.

⁶² The letter appears in the Revised Record, New York Convention, 1894, vol. I, p. 450.

the legislature that it became the habit to prepare laws for the signature of the governor which had never passed the legislature."⁶³

In order to insure purity of text, the rules now generally provide that before final passage bills shall be engrossed under the supervision of a committee. This committee renders very inadequate supervision, the work being delegated to clerks. In New York, where the constitution requires printing in final form before passage, bills are rarely passed without being engrossed by printing. The proof is read by experts who have an office in the capitol. In other states, however, the rule requiring engrossment is often evaded by a motion that the bill be considered engrossed and ordered to a third reading, and thus it is possible for third reading to follow immediately upon second.⁶⁴ Where the custom of combining third reading with second prevails, as in Minnesota, Washington and West Virginia, it is impossible for bills to be engrossed; and Washington recognizes this by specifying that all amendments are to be pasted securely on the original bill. Frequently bills are engrossed only in case that they have been altered after introduction; otherwise the copy introduced continues to be official until enrollment.⁶⁵ If no engrossed copy is made, the original bill, or a printed copy thereof, in possession of the clerk, with amendments fastened upon it, is official.⁶⁶ The plan of Michigan and New Jersey of making one of the printed copies the official bill throughout its legislative career is a good one. It then corresponds line for line to the copies in the hands of the members and the clerk thereby avoids the difficulty of identifying the places for proposed amendments upon a copy different from that in their possession.

The preparation of the enrolled measures, done sometimes by printing, sometimes by typewriter, sometimes in long hand,⁶⁷ is

⁶³ Samuel Dickson in the Presidential Address before the Pennsylvania Bar Association, 1896. See also Debates of New York Constitutional Convention, 1867, p. 1303.

⁶⁴ No bills have been engrossed in Iowa since 1907 although the rules prescribe that they shall be. (Shambaugh, "Statute Law Making in Iowa," p. 230.)

⁶⁵ The recognized practice in Arkansas, North Carolina, Idaho, North Dakota and Wisconsin.

⁶⁶ Connecticut, Nevada, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and Washington follow this method.

⁶⁷ See Bulletin No. 4 of the Nebraska Legislative Reference Bureau for a table showing methods of engrossment and enrollment in the several states.

likewise supervised by committees which report that they are correctly enrolled. But again the oversight is of the most casual sort. In the Pennsylvania House the committee charged with this function numbers twenty-five, divided into groups of three to expedite the work; but bills are rarely examined by members, the real work being left to clerks, although the official clerk of the enrolling committee is supposed to sign enrolled measures as a sort of voucher. The method of enrollment in Vermont makes it virtually impossible to correct errors which may appear at this stage. The original bill with amendments written or pasted thereon goes to the governor for approval. Later, perhaps after the adjournment of the legislature, the engrossing clerk copies the act into a book, and the presiding officers of the two houses and the governor meet in the secretary of state's office and sign it.

The great defect of most systems occurs in the fact that the real work is not done by responsible men, so that blame for errors can be clearly located. To this end it would be well to make a regularly established state official responsible for correct enrollment. In 1911 the Senate of Wisconsin abolished committees on enrolled and engrossed bills and placed the duty of reporting measures as correctly enrolled upon the chief clerk. It may be suggested that legislative reference libraries could to advantage be entrusted with this responsibility. In South Dakota the chief of the engrossing staff must initial each page as a verification of its correctness,⁶⁸ and by the laws of Connecticut the engrossing clerk must certify with his signature that each bill is correctly prepared.⁶⁹ By a curious provision of the South Carolina Code, county solicitors are required to attend upon sessions of the legislature to assist in drawing up bills and to supervise engrossment and enrollment of the same. Each bill must be certified by one of these officers as correctly enrolled.⁷⁰ Maine, Massachusetts and New Hampshire provide that the work be done in the secretary of state's office. California, Kentucky, New York, North Dakota and Utah have by statute made fraudulent alteration of the enrolled measure a felony and New Mexico by constitutional provision.

The constitutions of thirty-three states require that the en-

⁶⁸ Laws of 1909, Chap. 123.

⁶⁹ General Statutes (1902), Par. 36.

⁷⁰ South Carolina Code (1912), Par. 23.

rolled bill be signed by the presiding officers of both houses, twenty-two prescribing that it be done in the presence of the assembled body.⁷¹ An attempt was thus made to provide an additional guarantee against the signing of bills irregularly passed. A situation which arose recently in Indiana raised the question as to the responsibility of these officers. Two bills which had never passed the legislature were signed by the presiding officers and later by the governor. The grand jury sitting to investigate the responsibility for the affair reported that the speaker of the House and the president of the Senate, who had wrongfully signed the measures, were in no way liable.⁷²

Upon the question whether the enrolled bill controls the engrossed bill in case of discrepancy between them, the courts have not been in agreement; although the attitude consistent with the widely accepted principle that the enrolled bill is final, would favor making it the conclusive copy.⁷³

⁷¹ Index-Digest, State Constitutions, p. 846. A similar provision failed in the Constitutional Convention of New York in 1894 because it was feared that the presiding officers would be invested with the veto power. (Record, vol. I, pp. 906 *et seq.*) The prevailing opinion of the courts has been, however, that failure to sign in no way invalidates the act, as the only function of the signatures is to furnish evidence in the absence of which recourse may be had to the journals. *Commissioners v. Higginbotham*, 17 Kan. 62; *Taylor v. Wilson*, 17 Neb. 88; But see *Burritt v. Com'rs*, 120 Ill. 322; and *Douglas v. Bank*, 1 Mo. 24; also *State v. Kiesewetter*, 45 Ohio St. 254, where the provision was held mandatory.

⁷² From the text of the report of the grand jury to the Governor. *Indianapolis News*, Dec. 5, 1914.

⁷³ So held in *Division of Howard County*, 15 Kan. 194. But see *contra Berry v. Railroad*, 41 Md. 446; *Brady v. West*, 50 Miss. 68. Also *Moog v. Randolph*, 77 Ala. 597. Where material divergence exists between the engrossed measure and the enrolled act the bill approved by the governor is not the one which passed the houses and therefore never became law. In *State v. Swan*, 7 Wyo. 166, one section of the act was void as being enrolled by mistake.

CHAPTER VI

LEGISLATIVE LEADERSHIP

We must finally examine the preparation of a daily legislative program, to discover how far the houses follow a fixed arrangement of business. The question of the control of the time of the house and the extent to which individual members have surrendered themselves to the guidance of leaders is involved. The matter of controlling the limits of debate necessitates no complex system of rules since a minority anxious to discuss measures is absent. With the exception of the rush days at the close the houses do not surrender control of their time to any special group. The legislatures of Georgia and Washington are perhaps exceptions in that from the first of the session the calendar of the latter is under the jurisdiction of the rules committee, while in the former all motions to interrupt the regular order must be referred to the same committee.¹ In the Georgia Senate no request for unanimous consent to suspend this rule will be heard.²

THE CALENDAR

The daily program takes the form of a calendar upon which measures appear in the order in which they are to be taken up. Appropriation bills sometimes have preference by being placed at the head of the list.³ Usually the calendar is printed daily, although sometimes it is merely posted as a bulletin, as in Nebraska, Nevada and South Dakota. In some of the more backward states as Arkansas, Indiana, Montana and North Carolina, the clerk merely keeps a list of measures in their regular order.

The evils of such a lax method are twofold. Great power over the calendar is put in the hands of the speaker inasmuch as with him rests the selection of bills to be handed down for the consideration of the house. He is consequently enabled to reserve measures until an opportune time, either favorable or unfavorable to their

¹ Washington House Rule 2; Georgia House Rule 42, Senate Rule 137.

² Senate Rule 40.

³ Georgia, even over special orders; Kansas, Mississippi under the constitution, and Pennsylvania.

passage, without the members being much the wiser. In the second place the members are ignorant of the time at which bills are to come up. The absolute right of members to be informed in advance as to what business is to come up really constitutes the essential reason for the daily printed calendar. As a select committee of the Commons declared in 1861, certainty from day to day of the business to be transacted is the great aim of procedural reform. Each member, furthermore, should be able to rely upon the carrying out of the program laid down.⁴ Nevertheless, slight investigation will reveal that our state legislatures have attained this ideal very imperfectly. Although as a rule, matters not upon the calendar are denied consideration, a few states, however, reporting to the contrary that business not upon the calendar is often taken up,⁵ the value of the calendar as a program of the day's activities is materially lowered by the general custom of admitting measures to consideration out of their regular order. The practice of granting leave to take up measures ahead of their turn obtains generally in states in which the calendar is allowed to become overcrowded. If steering committees are not employed, calendar rules are practically disregarded the last few days of the session. For example, in one day, selected at random about two weeks from the end, the Illinois House by unanimous consent suspended the regular order thirty-two times, permission to suspend being withheld but twice.

The force of the calendar is also weakened by "passing" a measure when it comes up in its regular order. If such practice prevails, there can be no certainty that a measure will be acted upon when reached. In many legislatures a member to secure consideration for a bill must call it up at the debate stage, but if he thinks the time inopportune he neglects to do so and another than the sponsor will not usually request its consideration. By the rules of Pennsylvania a bill may be passed for two weeks before being dropped from the calendar.⁶ Pennsylvania also keeps a postponed calendar of bills on third reading on which a measure goes at the

⁴ Report of Select Committee of the Commons on Business of the House, 1861, pp. iii-xii. Cited by Redlich, "Procedure of House of Commons," vol. I, p. 98.

⁵ Alabama, Arizona, Minnesota, Nebraska and New Jersey. Oklahoma enforces the calendar strictly but reserves some time just after convening and before adjourning for consideration of matters not on the calendar.

⁶ House Rule 35.

request of the sponsor, who is thus given a chance to marshal his forces and to seize a more promising moment later to put his measure to vote.⁷ Members avail themselves of this privilege frequently. Missouri possesses the same device in an "informal" calendar. In those states in which custom permits a measure on the calendar to come up automatically in its turn without the necessity of a member calling it up for consideration, it is usual to "pass" a measure if there is a request to do so, although in some cases it may lose its favorable position on the calendar. Ohio practice, however, permits a bill "passed" on the calendar by a majority vote to be placed at the head of the list for the day following.⁸ A blanket motion may extend this favor to over one hundred measures at a time and thus disturb the order most effectually. A bill "passed" on the calendar once in Connecticut or twice in California is sent to the foot unless saved by a two-thirds vote.⁹

In accordance with the principle that a member should know with a great degree of certainty what measures are to come up in the day's business, a simple majority should not be able to violate the regular order without due notice. It has sometimes been urged by those who had in mind meritorious legislation which failed because the majority could not act immediately as they desired, that the majority should at all times be master of the time of the house by being able to change the order of business at any time.¹⁰ But the minority also deserves protection from the snap tactics of the majority, and to this end notice of all motions to suspend the calendar should be imperative. Due notice having been served in advance, a simple majority would be sufficient to carry the motion. This is the practice in New York.¹¹ The rule prevailing in some states, making necessary a two-thirds or three-fourths vote to suspend the order, gives undue power to the minority, who are entitled to no such consideration if they have been properly notified.

⁷ House Rule 68. Since the session of 1913 measures not called up from this calendar within five days are dropped.

⁸ Joint Rule 21 and House Journal 1915, p. 1117.

⁹ Connecticut House Rule 9, Senate 22; California Assembly Rule 14, Senate Rule 40.

¹⁰ Urged by Illinois Voters' League (*Bulletin*, Nov. 20, 1914) and adopted in Illinois in 1915. The majority in the lower house must be absolute. Haines, "Minnesota Legislature of 1909," recommends the same.

¹¹ Senate Rule 44, Assembly Rule 45.

Much could be done towards introducing order and certainty into the proceedings of the houses by improved methods of compiling the calendar. Broadly speaking, all contemplated actions which could possibly give rise to discussion should appear on the daily printed program. This means that all bills on second reading, third reading or final passage should be shown. If second reading occurs before reference, the report of the committee should go on the calendar before it is acted upon inasmuch as debate is likely to occur at this stage. Yet the calendars of some states, as Alabama and Iowa, show bills only on third reading. When measures are referred to the committee of the whole, general orders should be included in the calendar as is done in Arizona, Kansas, Michigan, Minnesota, Oklahoma and the New York Senate. A material defect of the Massachusetts calendar is its failure to show measures up for final passage, a step, which, it will be recalled, does not occur until the bill has been returned from the other house with engrossment concurred in. Although final passage is thus rendered largely perfunctory it is the crowning stage of the bill's career and setting the time at which it is to occur should not be left so completely in the hands of the speaker. As noted above, however, the speaker will inform any interested member of the time at which a certain measure is to come up.

Measures should be set forth by title, as is done generally, and not by number merely, as in Illinois, Maryland and New Jersey. If bill dockets or bill indexes are published regularly a complete history of the bill is superfluous, but brief summaries, as included in the calendars of California and Iowa, would act as a ready reference. If a bill has been amended at any time the fact should be noted and, if copies of all amendments are not placed in proper order in members' files by clerks, citations to the pages in the journals where they may be found should be included. Vermont calendars include such citations, but Massachusetts goes farther and prints all amendments in full in the calendar, thus guaranteeing that they shall be available to members at the time action is to be taken thereon. It goes without saying that all special orders should appear on the calendar and that all that has been said about bills applies with equal force to resolutions.

There remain three other orders of business of which members should be advised beforehand since they will be called upon to assert

an opinion upon them. First, reports of committees recommending amendments should appear in full on the calendar before adoption. As pointed out above, this is absolutely essential if the report stage is likewise the debate stage. But even if debate should be postponed and the committee's report adopted indifferently, members should be warned of proposed changes which may alter the very nature of a bill.

In the second place, following the example of Wisconsin, motions to reconsider should be required to hang over one day and should find a place on the calendar. Other motions which must lie over one day, such as a motion to discharge a committee, likewise appear on the Wisconsin calendar under the head of "Motions for Consideration," while Arizona, after the manner of Congress, maintains a calendar of motions to discharge committees. It will be recalled that the practice of Parliament requires that a notice of motion must be given for practically all orders of business.

And finally, amendments made by the second house to bills which have already passed the first should appear on the calendar. Concurrence by the house in which the measure originated in amendments of the other may be a crucial point in the career of the bill, and it should not be treated in the loose manner which generally prevails. The Vermont practice by which such amendments appear in full on the calendar is to be commended. Reports of conference committees should receive similar consideration. It is submitted that, were the calendar compiled along the lines set forth here, a considerable influence would be set at work to compel adherence to a previously arranged program.

With two or three exceptions no effort has been made to distinguish between different kinds of legislation on the calendar. As noted above a very few give a preferential place to appropriation bills. Separation of private and general bills would be a distinct gain as tending to call attention to their different natures. In 1895 the Governor's Commission of the New York Legislature recommended that three calendars be adopted, *viz.*, a private and local calendar, a cities calendar, and a general calendar; and that certain days be set apart for certain calendars. Mondays and Saturdays were to be devoted to private and local measures, thus keeping interested ones at the capitol over the week-end and reserving more

general legislation for mid-week when a full house would be present.¹³ The calendar of the Maryland Senate recognizes the principle to the extent of grouping local and general bills separately on the calendar. In those states which still retain the committee of the whole no general principles regarding the nature of the measures to be placed on "General Orders" are applied. Late in the session this calendar often becomes a graveyard for most bills which have been unable to escape it, and growing large because not disposed of, serves as a place where a few measures of doubtful virtue may be held for the purpose of passing in a hurry at the close.¹³

The value of the calendar would be much enhanced if it were placed in the hands of members one day before matters thereon are to be considered. Urged repeatedly in New York, this has been adopted in Wisconsin.¹⁴ According to the rules of Connecticut also, matters must appear on the calendar one day before being taken up. When ready for action they are marked with a cross. Thus a measure which has been on the calendar for one day will thereafter be "starred for action." The value of the rule in Massachusetts requiring matters to lie over one day before action has been much enhanced in the Senate by the practice of publishing on the calendar all matters which are to appear on the orders of the day on the morrow.

Zeal and perseverance in clearing up the calendar at each sitting would go far towards relieving the congestion so generally attending the closing days. Nevertheless it is the almost universal report that no effort is made to clear the calendar each day. Work consequently is allowed to accumulate until the calendar no longer sets forth a daily program but serves merely as a docket from which the house may select matters for consideration. The third reading calendar of the Alabama House for the twenty-sixth day of a recent session held almost 250 measures, and the calendar of the Kansas Senate for the same day of the session showed more than 400 matters upon which that body was supposed to pass judgment. Other

¹³ New York Assembly Document, 1896, No. 20. This feature was introduced as an amendment to the rules by the Progressives at the 1913 session but was defeated. (Ass. J. p. 15.)

¹⁴ See Michigan Constitutional Convention Debates (1907-1908), p. 147. In the New York Senate reference to the committee of the whole towards the close of the session is a polite way to kill a measure.

¹⁴ Senate Rule 19, House Rule 21.

examples likewise chosen at random could be multiplied in many states. Serious attention towards keeping abreast of the daily program would do much to obviate the need for sifting committees and for the general suspension of the calendar rules as the session grows old. Pressure would in turn be placed on the committees to assure that they were making consistent progress in their work. Legislatures which for the sake of orderliness enforce the rule that committees must make final report on all matters midway in the session of course find it impossible to clear the calendar for weeks after the expiration of the time, but where the introduction of new measures and reports of committees continue until late it is imperative that the work assigned each day on the calendar be completed. It is deplorable that measures should ever be allowed to die on the calendar. If they are trivial they should never get out of committee, but once out they deserve a decision by the house.

Massachusetts avails herself of a simple plan to aid her in disposing of routine business on the calendar. It has been the experience of many states that matters on the calendar giving rise to prolonged discussion may precede much routine business and that consideration of the latter is delayed as a consequence sometimes for days. Massachusetts treats as unopposed business those measures on which members do not indicate a wish to debate or amend. As the calendar is called, such matters are disposed of in the routine manner. After the calendar has once been gone through, the speaker returns to measures which members have indicated a desire to discuss. Transaction of routine business accordingly proceeds rapidly and is not allowed to accumulate on the calendar.

CLOSING DAYS OF THE SESSION

The evils of the glut of legislation so general during the closing days are too well known to merit discussion here. Remembering that the journals are records of things done, it is interesting to examine the report they give to see how the burden of work is distributed throughout the session. The Journal of the New York Assembly of 1914 devotes all of the second volume to a record of the last six days. As noted above, there were 208 roll calls on the last day. On an average day near the end, the Assembly passed fifty-nine bills and advanced forty-four. The final day of the 1915 session of the Ohio House saw forty-three measures passed and the

adoption of the conference report on the general appropriation bill containing 347 amendments. At the same session of the Illinois House the work accomplished the first four months fills 740 pages of the journal; that of the last month requires 642 pages to report. Nor were the earlier months spent in discussion on the floor, for the verbatim reports of debates during the first four months fill 625 pages while those of the last month fill 655 pages. Furthermore the time was not consumed in committee deliberations, for 40 per cent of the committee reports were rendered during the last month. The House simply did not settle down to work until four months of the session had passed. It is generally recognized that the first few weeks of many sessions are wasted. In 1915 the New York Legislature after sitting six weeks had passed eighteen measures, although 1565 had been introduced. In 1916, fourteen measures were passed during the same period, 1314 having been introduced.¹⁵

The congestion at the end is not confined to the large states. The Idaho House passed or rejected fifty-three measures in one day at the close of a recent session.¹⁶ Montana reports an equally serious situation, and it has been estimated that in past years from 80 to 90 per cent of the business of the North Carolina Legislature has been ratified the last ten days.

The remarkable thing is that no means have been developed to remedy a condition which is partly due to lack of effective organization throughout the session and is partly psychological. Concerning the latter aspect of the situation it may be said that members are anxious to get home, their financial remuneration seldom compensating them for their absence from business. The spirit of procrastination, so strong during the early days, must now be atoned for by frenzied action in midnight sessions. Unanimous consent is granted promiscuously if business will be advanced thereby. The only visible hope lies in greater speed. Even if a time limit upon the introduction of new measures has been enforced the calendar becomes congested unless the committees and the house have moved expeditiously throughout the session.¹⁷ Amid

¹⁵ From a table prepared by the *New York Times*, Feb. 21, 1916.

¹⁶ The Governor's Message to the Twelfth Legislature.

¹⁷ A real advantage flows from the enforcement of such a rule to the extent to which it prevents the introduction of entirely new measures at the close preparatory to hasty passage. Bills have often been known to have been brought

such conditions a steering committee is preferable to a general suspension of the calendar because some measure of responsibility can be exacted. The constitutional provision requiring readings on three separate days, if absolute, prevents bills passing from one house to the other within three days of adjournment; but the Indiana clause which prohibits transmission to the governor on the last two days of the session merely advances the congestion forty-eight hours. A rule proposed by the Progressives of the New York Assembly in 1913 would have marked a real advance. Private and local bills were to be in order on the calendar only during January and February, leaving at least two months for action on general measures solely.

Massachusetts avoids the tumult of the last days more successfully than do other states, and it is worth while noting the means by which she accomplishes it. In the first place, there is no limit upon the length of the session, and the legislature seldom adjourns before July. Well-informed persons state that if the session were shortened, as it is by the constitutions of some states, congestion at the end would be unavoidable.¹⁸ In the second place the exceptionally strict time limit upon the introduction of bills, none being received as a rule after the second week, makes possible the enforcement of the provision that committees must report out all measures early.¹⁹ The legislature knows by the middle of April at the latest how much business remains to be accomplished. Furthermore the healthy rivalry of committees in efforts to keep their slates clean is an incident of the high development of the committee system in Massachusetts. Close record is made each week of the progress of work in committees, which is compared with similar periods of previous years, so that the presiding officers are enabled to apply pressure where necessary. Summing up, we may say that the legislature of Massachusetts makes sure that all the in the last forty-eight hours, which their proponents would not have dared to present unless they knew business had so accumulated that no one would have time to examine them.

¹⁸ The Wisconsin Legislature, which maintains order to the end, continues in session from January through July or later.

¹⁹ Massachusetts Joint Rule 12. There is commendable hostility towards the suspension of this rule. Concurrent action by four-fifths majority of each house is necessary to suspend it.

business which is to engage the session is introduced at the very first. Committees at once get busy and continue so in order that they may return their reports promptly. And finally, the houses continue in deliberation a sufficient length of time to insure that their work will be completed without confusion or disorder.

LEGISLATIVE LEADERSHIP

The constitutional fathers were so intent upon removing the legislature from executive control that the problem of legislative leadership seems never to have arisen in their minds, yet it has been the absence of responsible and definite direction within the body which has necessitated the development of leaders outside who, hidden from public view, have turned the opportunity into a source of private gain. Our state legislators are but human beings of little or no legislative experience, who are usually as amenable to good leadership as bad; but led they must be and the boss has filled a real need. The legislatures, moreover, have done nothing to develop from among themselves leaders who shall be responsible as such to the people, and the public is suffering from the resulting aimlessness of legislative activities. Members are as the blind leading the blind. Willing to follow, they can find no one to guide them.

A study of any of the journals discloses the fact that the bodies lack a consistent purpose. Members are not able to follow a constant policy, since they vote on many matters on which they have no opinion. This truth is illustrated in the number of actions which are reconsidered and, what is more noteworthy, in the number of definite decisions which are reversed. What leadership the houses enjoy is provided by the speaker and a few prominent committee chairmen, who stand forth partly because of their experience or force of personality, partly because of the position gained by them under the rules, and partly because of their position in the party hierarchy. Their control is often arbitrary and rarely systematically constructive. This latter quality has not been necessary because they have never been responsible to public opinion as recognized leaders.

THE SPEAKER

Remembering that discussion here must be confined to that phase of legislative leadership which is related to questions of procedure, we may note that the member standing out predominant

as the party chief is generally the speaker. The power which he derives from committee appointments and the reference of bills has been tampered with but little, as has been shown above. His powers through recognition of members wishing the floor are extensive since so large a volume of business is conducted by unanimous consent. Usually in refusing recognition therefor, aside from extreme cases of arbitrary and irregular conduct, he merely exercises the parliamentary right of any member to object to the suspension of the regular procedure by unanimous consent. But because of his position, the speaker can use this right to enforce discipline, when an obscure member would only incur the hostility of his colleagues.

Gavel rule, under which the speaker refuses to hear objections to unanimous consent or to recognize demands for roll calls, has probably been a subject of complaint at one time or another in all our states. In this the speaker is aided by the confusion generally prevailing on the floor at critical times. An example of extreme control is furnished by the fact that a statement reported to have been made by the speaker, that there would be no more roll calls on dry measures permitted in the House, was accepted as final by the Senate.²⁰ A method of gavel rule requiring more finesse is to utilize a ruling on a point of order to bring about the desired result. The inexperience of the majority of members in parliamentary practice plus the element of party solidarity leads to general agreement

²⁰ Illinois Senate Debates, 1915, p. 507. A typical case of gavel rule occurred in the Pennsylvania House of 1911 and is fully set forth in the *Legislative Journal*, p. 3028. A joint resolution was up to amend the Constitution to provide for the initiative and referendum. It failed on third reading by a close division without record of votes, the speaker not heeding the call for the ayes and noes, after which the following colloquy took place.

MR. KELLY (on a question of personal privilege): "Mr. Speaker, I called for the yeas and nays on House Bill No. 758 before House Bill No. 771 was taken up."

SPEAKER: "The gentleman was not then recognized. The gentleman's objection will be entered on the journal."

MR. BALDWIN: "Mr. Speaker, I rise to a question of personal privilege."

SPEAKER: "The gentleman will state his question of personal privilege."

MR. BALDWIN: "I desire to have it noted that when the gentleman from Allegheny (Mr. Kelly) called for the yeas and noes on agreeing to House Bill No. 758 on third reading, I seconded the call."

SPEAKER: "It will be so noted on the journal."

with the speaker's ruling. Thus a clever speaker can frequently avoid a direct vote upon a measure, which the organization wishes to kill, by skilful rulings on incidental motions or on points of order. Furthermore, by choosing the time at which to "hand down" for consideration matters which do not appear on the calendar, the speaker may secure the success of measures which would doubtless fail were the house warned beforehand. A prominent instance of the use of this means to defeat a measure occurred in the New York Assembly of 1912 when the speaker refused to hand down a resolution from the Senate requesting the return of a bill in order that a beneficial amendment might be incorporated. Through the action of the speaker the bill became law without the house having opportunity to act upon the amendment desired by the Senate and fathered by the Civil Service Commission.²¹ The power to appoint steering committees materially increases the centralization of control in the hands of the speaker. He may be ex officio chairman of this committee, as in New York where he reports the daily program.

The situation sometimes arising when the president of the senate is not a member of the majority party emphasizes the partisan nature of the presiding officer's position. The article in the Constitution of New York which empowers the president pro tem to act when the lieutenant-governor "shall refuse to act as president" was inserted because of an experience in which the lieutenant-governor refused to put the question on seating a member. Only after much disorder did the president pro tem succeed in putting the question and was sustained by the majority.²² At the 1915 session of the Illinois Senate the lieutenant-governor aided and abetted a filibuster by refusing to recognize members other than those of the obstructing party and by refusal to hear demands of the majority for roll calls.²³

THE FLOOR LEADER.

The degree to which whatever guidance may exist is entrusted to the speaker is witnessed by the small place generally held by the recognized floor leader. Indeed, many legislatures do not recognize a floor leader other than informally. The chairman of a prom-

²¹ Report of Committee of Citizens' Union, 1912.

²² For full account see Senate Journal, February 5, 1894.

²³ See Illinois Senate Debates for March 11, 1915.

inent committee, such as judiciary or appropriations, may be the tacit leader, but his position depends largely upon the man, and he may see his leadership settle upon someone else with a stronger grasp of affairs. Occasionally the caucus will appoint a leader, although it may simply recognize the caucus chairman as such.²⁴ But motions to establish a floor leader are infrequent. In Massachusetts the chairmen of the three most prominent committees are recognized by having special seats assigned to them by the rules, and one of the number, the chairman of the rules committee, is supposed to be the speaker's spokesman.

In any case the rank and file of members follow instinctively a few prominent men who hold chairmanships of important committees. They are the men who are most frequently granted unanimous consent to advance their measures out of order. The obscure member rarely asks for it, perhaps because it is difficult for him to secure it. At least the most numerous instances of refusal follow requests by the rank and file. The point to be emphasized is that the men who direct the course of the deliberations receive but occasional and slight recognition from the rules and entirely escape public responsibility for the failures of the legislature.

New York is one state in which the floor leader is coming into a recognized position of power. Since 1915 the leaders of both parties have received the endorsement of law by acts appropriating money for their clerical and stenographic expenses.²⁵ At that session the Senate caucus of the majority party, although the Senate is a small body of fifty-one members, early in March named a committee of seven to shape party policy without the action of the caucus. Four days later the chairman of this committee received authorization from the caucus to appoint sub-committees to prepare all important measures for final passage.²⁶ He was likewise the president pro tem of the Senate, chairman of the rules committee which reported special orders at any time, ex officio member of the three leading committees, and possessed of the power to refer to the finance committee, of which he was a member, any money bill reported from another committee. It will be seen that, as far as the Senate was concerned, the majority leader was made dictator

²⁴ For example, Kansas, Oklahoma and New Jersey.

²⁵ For example, Chap. 726, Laws of 1915, granted the leaders each \$2500 expense money.

²⁶ *New York Times*, March 14, 17, 1915.

and the standing committees were virtually superseded by the small caucus sub-committees of his choosing.²⁷

The majority leader of the lower house of New York also holds a well defined position sufficiently strong for him to take issue on occasion with the speaker. In the 1915 session he frankly accepted responsibility for the party's record, and in asking the caucus for a committee to advise and assist him in examining legislation which the party would sponsor, set forth his policy thus:

As majority leader in the Assembly it will be my best effort as far as possible to carry out the general principles of coöperation; to represent the sentiment of the majority of the Republicans in this legislature as expressed in conference, and to obtain such advice as may be gained from the speaker and from the other Republican members, whose suggestions I shall not only gladly receive, but gratefully solicit.

This is as near as any legislature has come to developing responsible leadership. The newspapers followed the actions of the leaders closely and their movements were given wide publicity. To this extent only were they as leaders placed under any liability to the people at large.

EXECUTIVE LEADERSHIP

The legislatures have been even slower to grant the executive the function of leadership than to raise up responsible leaders among themselves, yet in many respects the governor is well fitted to lead. More than any member he represents the state as a whole; his outlook is state wide, and the popular mind is fast placing upon him accountability for the fulfilment of party pledges. Of late several governors have undertaken to maintain themselves as the recognized party leaders, but with varying degrees of success, and a reaction seems to be setting in against "executive usurpation."²⁸

²⁷ The Senate of 1915 went further than usual in consolidating control in a leader, due probably to the presence of an obstructive minority. The majority party had just come into power and by a series of ripper bills were trying to restore their control over government officers. For this reason the majority were willing to go far in sacrificing individuality to organization.

²⁸ For example Governor Cox of Ohio was defeated by a platform which deprecated the governor's assumption of leadership in legislation. At the 1915 session Governor Willis carried out his promises of hands off and the legislature drifted. In this connection see article by J. W. Garner "Executive Participation in Legislation as a Means of Increasing Legislative Efficiency," *Proceedings American Political Science Association* 1913-14. References to numerous other articles on the subject are there given.

Formal attempts of the executive to establish himself as leader of the legislature have usually failed, and he has had to trust himself to the power of his personality and the share in legislation granted him by the constitution. Some have not hesitated to use the patronage freely for this purpose, but regardless of how praiseworthy it may have been in special cases, the considerations which should control executive appointments are subverted.²⁹

A rule adopted in the Illinois House of 1913 has been widely discussed in this connection. The rule gave precedence to administration measures over everything except appropriation bills, and Tuesdays were set apart for their special consideration in the committee of the whole. The purpose as expressed by the author was to impose upon the governor an obligation for a legislative program and to make for party responsibility and party government.³⁰ Yet the rule never worked and was not continued at the next session of the legislature. In the opinion of the author it was not given a fair trial and failed because of the members' jealousy of executive power, because of the influence of precedent on account of which the House could not adjust itself to the new arrangement, and because of a general disregard for all rules specially marked in a session under the direction of an inexperienced speaker. At the subsequent session the majority in the House were of a political faith opposed to the governor, and personal antagonism as well as political considerations caused the rule to be dropped. The point to be made here is that such a rule is not apt to be given a fair trial under present conditions. For one thing, members feel that it is not in conformity with the spirit of the constitution. Anxious to secure passage of measures in which they were interested and jealous of their prerogative, the Illinois House felt that the governor wished to monopolize the time of the body. The essential bond of sympathy was lacking and the relation seemed to involve unwelcome subordination on the part of the House.

Indeed any effort on the part of the executive to direct legislation calls out opposition from the legislative bodies in which the governor is apt to be worsted. At a recent session of the Pennsyl-

²⁹ For the governor's legal powers in legislation see J. M. Mathews, "Principles of American State Administration," Chap. III.

³⁰ See article by Morton D. Hull, *American Political Science Review*, May, 1913.

vania Legislature a joint committee was appointed to confer with the governor upon certain important reform measures for the passage of which the governor had assumed personal responsibility in his campaign. On its face the action of the legislature indicated a recognition of the governor's leadership and a desire to coöperate with him. In reality its purpose was to take charge of the governor in order that certain legislation might be drafted in accordance with the wishes of the organization. The Senate created a committee on executive appointments to deal exclusively with the governor's nominations, and it is significant that all the Senate members of the joint committee to confer with the governor had places upon this committee. Thereafter he was kept in line by threats to refuse concurrence in his appointments. At the session of the same year, the New York Senate similarly prepared itself against possible executive encroachments by a new rule that all executive appointments should be referred to the finance committee, already the all powerful Senate committee. Attempts to control appointments in this manner are as contrary to the purpose of the constitution as are the efforts of the governor to coerce by patronage and veto. Through the transference of the substance of the appointing power to members of the legislative branch the principle that executive appointees should owe their places to the governor is perverted. The necessity of confirmation by the Senate has always been viewed as rightfully no more than a check upon flagrant abuse of executive power and in no wise to control it.

In at least two states opposition to the use of the patronage has found expression in the statute law. A member who promises the governor to give his vote or influence for or against a bill in consideration that the governor approve or veto any measure or make a certain appointment is made guilty of a felony.³¹

Some degree of coördination is maintained by reports of administrative heads submitted to the legislature, and by appearance of administrative officials before legislative committees. Here the use of the committee of the whole might be extended with profit, as is being done in Wisconsin, to bring executive officers before the entire body. Indeed, it should be the right of the head of each department to be heard. Yet the value even of legislative docu-

³¹ North Dakota, *Compiled Laws* (1913), par. 9331, 9332. Utah, *Laws of Utah* (1907), par. 4099, 4100.

ments containing reports of departments or commissions is often destroyed through delay in publication. Too often they are not available until late in the session. If such reports are to be made the basis of legislation they should be in the hands of members a month before the session convenes, nevertheless their publication is sometimes delayed until after adjournment. In this connection it would be well to make sure that sufficient time can elapse before the close of the official year and the convening of the legislature to prepare reports that can be of service to the legislators early in the session. In Kansas and South Dakota the official year closes June 30, and reports of departments are always available at the opening of the legislature. Where the year does not close until November or December, as in Missouri, Ohio and Pennsylvania, official documents may be long delayed. Yet Massachusetts contrives to get important reports into the hands of the legislature early in January although her year does not end until November 30.

LEGISLATIVE RECORDS

There remains a word to be said concerning the means by which the work of the legislature is made public, for it is important that the people be readily informed of what is going on in time to urge or oppose pending measures. The publication of legislative bulletins or bill indexes giving the status of all matters can do much towards clearing up committee evils as well as enabling the public to follow the course of measures easily. At the sessions of 1915, bulletins giving the history of bills with their status at the time were issued at more or less regular intervals in thirteen states.³² These were cumulative and with rare exceptions were issued weekly.³³ They were available to the public either gratuitously or upon payment of a small fee. California went so far as to put out a daily supplement. A few states have so organized committee procedure as to be able to announce bulletins of committee hearings.³⁴ Local newspapers in that case announce the more important hearings and in Massachusetts certain newspapers publish a daily program of

³² California, Connecticut, Illinois, Iowa, Louisiana, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Texas, Washington and Wisconsin. In Indiana, Michigan, New Jersey and South Dakota the legislative libraries kept a card index open to the public.

³³ Connecticut, Nebraska and Texas did not issue weekly indexes.

³⁴ Weekly in New York and Wisconsin; semi-weekly in Massachusetts.

all. Additional light is thrown upon the legislature's activities by the circulation of copies of all bills, resolutions, et cetera. In at least four states copies of all measures will be mailed to applicants either gratuitously or under a nominal fee.³⁵ Information as to what is taking place in the legislature need no longer be the monopoly of a favored few, and the old claim that a paid lobby was necessary if persons interested were to know the progress of business no longer stands.

Unfortunately for the public good the legislatures keep but incomplete records of their proceedings. As a consequence of Parliament's struggle with the king, the journals, which had come to include notes on speeches, became merely a record of things done and not of things said. The Commons resented the king's calling for reports of their debates and checked the note-taking propensities of the clerk.³⁶ With three exceptions the meager record of the journal is all we have in our state legislatures today. Maine and Pennsylvania have for some years published a stenographic record of all proceedings including votes, and in 1915 Illinois began the publication of verbatim reports of debates. These examples could well be followed by all states. From such records the people can be more fully informed why the legislature passed some bills and why it refused to pass others. The dignity of the session, moreover, would be enhanced if members realized that everything which took place on the floor would be permanently recorded.³⁷

The journal, being the only record of which the courts will take cognizance, if indeed they go back that far, should be inspected with care in order that all errors may be eliminated. The importance of the printed journal is increased when it is remembered that

³⁵ In New Mexico they are free to those placed on the mailing list by members. In New Jersey and Virginia upon payment of ten dollars; in Wisconsin twelve dollars. They are generally free to the press.

³⁶ Sir Courtenay Ilbert in the Introduction to Redlich, "The Procedure of the House of Commons," pp. ix, x.

³⁷ New York published a record for two years, 1888 and 1889, but the expense was felt to be too great to continue it. The constitution submitted in 1915 contained a provision that full reports be published, which had been strongly advocated before the convention by Mr. Root. (See Record of the Convention, p. 3750.) A similar proposal failed the same year in the Michigan Legislature (H. J. p. 418 it had passed the Senate). Members do not seem anxious to perpetuate the memory of their legislative activities.

the reading of the manuscript journal is universally dispensed with, and the printed copies are the only check available to members. With the exception of a few states, chiefly in the South, copies of the journal appear on the desks of the members the next morning. Sometimes as in New York and Pennsylvania, the printed copies do not reach the members regularly and the journal is approved officially without examination by anyone.³⁸ Near the end of the session, when adjournment comes late at night, it may be impossible to have copies on the desks promptly the next morning but official approval should be withheld until members have been given a chance to examine them. About a dozen states employ a standing committee to report upon the correctness of the journal. But like committees on engrossment and enrollment this committee is not apt to expend much effort in inspecting the journal, although even most conscientious examination by three men may overlook errors which they can hardly be supposed to recognize. The legislature of Wisconsin substitutes for the old order, "Reading and Approval of the Journal" the new order, "Correction of the Journal," and the Minnesota Senate has gone one better by making the correction of the journal in order at any time throughout the next day's session. In this way every member has full opportunity to know that actions in which he is interested have been correctly spread upon the record.

³⁸ In New York as a matter of fact the clerical force never has the matter ready for the printer on time and only a small part of the journal ever gets on the desks of members, yet the reading of the manuscript is always dispensed with. (Reply to Nebraska Questionnaire, 1913.)

INDEX

- Alabama, provisions, 8, 33, 46, 64, 67, 69, 75, 82, 92, 94, 96.
- Amendments: appearance on calendar, 95; conferences on, 51; examination, 79; final passage, 80; introduction, 69; modifying, 83; printing, 81; records, 94; roll-call, 82.
- Arizona, provisions, 20, 33, 42, 71, 92, 94, 95.
- Arkansas, provisions, 88, 91.
- Bills: appropriation, 91, 95; circulation of, 108; committee action on, 52; debate, 57; duplicate, 30; enrolled and engrossed, 87, 90; hearings, 46; introduction, 26-35, 53, 99; negative reports on, 55, 57; on calendar, 94; out of order, 103; passage, 55, 63-90, 84, 92, 96; printing, 42, 64, 77; private, 28, 33, 76, 95; readings, 65; reference, 37, 42; titles, 11, 35, 94.
- Boss, function, 100.
- Calendar: advantages, 77; congestion, 56, 92, 96; form 91-97; make-up, 43, 58, 95.
- California, provisions in, 7, 15, 20, 30, 31, 45, 46, 51, 52, 58, 81, 89, 92, 94, 107.
- Cloture: New York, 72; precedents, 74.
- Colorado, provisions in, 18, 52, 79, 81, 82.
- Committee chairmen: leadership, 103; powers, 39.
- Committees: appointment, 37, 38; attendance of members, 47; bills introduced by, 29; chairman, 39; conference, 51; discharge of, 52-56; duplication, 40; employes, 49; joint, 43, 49, 50, 55; meetings, 40, 44; minority members, 38; number and size, 39; "pickling," 53; procedure, 46, 47, 107; purpose, 36 reports, 47, 95, 97, 99; "rules," 57, 91; schedules, 41, 44, 45; sifting, 56, 58, 77; standing, 36, 43; steering, 56, 57, 99, 102.
- Committee of the whole: action, 37; use, 70, 94.
- Congestion: New York, 61; causes, 98.
- Connecticut, provisions, 7, 33, 34, 38, 43, 49, 50, 65, 69, 72, 79, 88, 89, 92, 96, 107.
- Constitutional provisions: fulfillment, 19; mandatory and directory, 9.
- Contempt: definition, 87; punishment for, 4.
- Courts, jurisdiction over legislature, 6, 19.
- Debate: obstruction, 72; time for, 66, 69, 94.
- Delaware, provisions, 32, 38, 52, 72, 76.
- Elections: contested, 21; jurisdiction over, 3.
- Employes: limitation, 15, 17; selection, 23, 24.
- Executive leadership, opposition to, 105.
- Floor leader: New York, 103; recognition, 102.
- Florida, provisions, 33, 47, 86.
- Gavel rule, power, 101.
- Georgia, provisions, 12, 31, 32, 33, 40, 64, 65, 73, 91.
- General orders, bills placed on, 96.
- Governor, leadership by, 104.
- Houses, organization, 20-25.
- Idaho, provisions, 64, 81, 88, 98.

- Illinois, provisions, 16, 18, 29, 30, 31, 35, 38, 39, 42, 46, 48, 51, 53, 56, 57, 58, 64, 66, 69, 70, 71, 73, 74, 75, 81, 92, 94, 98, 102, 105, 107, 108.
- Iowa, provisions, 7, 17, 20, 23, 32, 40, 46, 59, 69, 88, 94, 107.
- Indiana, provisions, 7, 16, 20, 23, 32, 51, 52, 55, 57, 63, 81, 82, 91, 99, 107.
- Inquiry, order of, 27.
- Joint committees, *see* Committees.
- Journals: accuracy, 109; committee votes recorded on, 48; English precedents, 7; evidence, 7, 8, 63; integrity, 11; records, 97, 108.
- Judicial review, parliamentary procedure not subject to, 6, 12.
- Kansas, provisions, 3, 29, 38, 40, 42, 56, 57, 58, 69, 70, 74, 76, 94, 96, 107.
- Kentucky, provisions, 7, 12, 32, 40, 46, 48, 52, 67, 71, 81, 89.
- Kilburn v. Thompson*, decision in, 4.
- Leadership, legislative, 91-109.
- Legislation: evils of local, 14; validity, 7.
- Legislative reference bureaus, service, 30.
- Legislature: confusion in, 56; deliberation in, 36; powers in procedure, 1-19.
- Louisiana, provisions, 32, 33, 44, 67, 69, 82, 107.
- Maine, provisions, 32, 33, 43, 49, 51, 64, 65, 66, 71, 79, 89, 108.
- Majority, powers, 93.
- Maryland, provisions, 20, 94, 96.
- Massachusetts, provisions, 3, 16, 22, 24, 27, 28, 31, 33, 41, 43, 44, 46, 49, 50, 51, 54, 56, 58, 66, 67, 70, 72, 74, 79, 82, 86, 89, 94, 96, 97, 99, 103, 107.
- Measures, *see* Bills.
- Members: bills introduced by, 29, 31; expulsion, 5; inexperience, 100; information for, 94; qualifications, 3; recognition, 102; reference by, 43.
- Michigan, provisions, 17, 30, 40, 53, 57, 63, 64, 65, 70, 74, 77, 88, 94, 107.
- Minnesota, provisions, 11, 13, 20, 33, 45, 46, 52, 64, 65, 76, 88, 92, 94, 107, 109.
- Minority, protection, 93.
- Mississippi, provisions, 7, 38, 64, 82, 107.
- Missouri, provisions, 12, 23, 29, 33, 42, 52, 55, 59, 81, 82, 93, 107.
- Montana, provisions, 17, 20, 22, 58, 70, 91.
- Nebraska, provisions, 18, 20, 29, 30, 32, 37, 38, 59, 70, 81, 91, 92, 107.
- Nevada, provisions, 7, 88, 91.
- New Hampshire, provisions, 21, 32, 33, 88, 89.
- New Jersey, provisions, 7, 16, 32, 33, 35, 49, 52, 65, 79, 88, 92, 94, 107, 108, 109.
- New Mexico, provisions, 67, 89, 108.
- New York, provisions, 5, 15, 21, 28, 32, 35, 36, 38, 45, 46, 47, 48, 51, 53, 57, 58, 59, 63, 64, 66, 68, 70, 72, 74, 77, 80, 81, 84, 86, 88, 89, 93, 94, 95, 96, 97, 99, 102, 103, 106, 107, 108.
- North Carolina, provisions, 32, 33, 41, 52, 64, 88, 91, 98.
- North Dakota, provisions, 20, 52, 69, 76, 88, 89.
- Ohio, provisions, 12, 20, 24, 32, 38, 41, 42, 43, 47, 48, 52, 57, 68, 69, 76, 81, 84, 86, 88, 93, 97, 104.
- Oklahoma, provisions, 33, 38, 51, 67, 70, 92, 94.
- Oregon, provisions, 30.
- Organization, validity of statutes regulating, 24.
- Parliament: petitions, 34; precedents from, 21, 95; private bills in, 34.
- Patronage, use, 106.
- Pennsylvania, provisions, 14, 24, 26, 27, 29, 33, 37, 39, 40, 46, 51, 53, 55,

- 58, 64, 65, 66, 70, 74, 75, 81, 82, 84, 88, 89, 92, 106, 107, 108, 109.
- Petition, introduction by, 33.
- Powers: inherent, defined, 2; over elections, 22.
- Procedure: judicial review, 6; mandatory and directory provisions, 9, 13.
- Prerogatives, exclusive, 3, 4, 6, 12, 17.
- Quorum: counting, 86; definition, 63.
- Readings: debate and, 69; in full, 68; occasion for, 94; required, 65, 99; suspension, 76, 81.
- Records, advantages, 108; legislative, 107.
- Rhode Island, provisions, 33, 38, 39, 41, 65, 88.
- Roll, make-up, 20.
- call: bills introduced by, 32; on final passage, 84; short, 14, 47.
- Rules: adoption, 25; New York, 59; suspension, 75; validity of joint, 13.
- Senates, committee appointments, 38.
- Session, closing days, 97-100.
- South Carolina, provisions, 33, 34, 55, 89.
- South Dakota, provisions, 7, 16, 45, 57, 62, 69, 89, 91, 107.
- Speaker, appointments by, 37, 38, 39; leadership, 100; power, 91, 94; reference by, 33, 43.
- Speeches, hostility to, 36; time limits on, 74.
- Standing committee, *see* Committees.
- Steering committee, *see* Committees.
- Stockdale v. Hansard*, decision in, 4.
- Tennessee, provisions, 63.
- Texas, provisions, 6, 20, 33, 63, 107.
- Utah, provisions, 89.
- Vermont, provisions, 16, 38, 41, 42, 44, 50, 55, 63, 72, 82, 83, 88, 89, 94.
- Virginia, provisions, 27, 33, 38, 43, 46, 64, 68, 72, 82, 86, 88, 108.
- Washington, provisions, 29, 31, 58, 74, 76, 88, 91, 107.
- West Virginia, provisions, 33, 39, 46, 66, 68, 70, 76, 82, 88.
- Wisconsin, provisions, 24, 38, 39, 41, 46, 47, 50, 71, 79, 80, 84, 86, 88, 89, 95, 96, 99, 106, 107, 108, 109.
- Wyoming, provisions, 72.

